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OFFICE OF  
ADMINISTRATIVE LAW

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APPROVED FOR FILING  
APR 28 1988

Office of Administrative Law  
For use of Office of Adm Law

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

3/22/88

FILED  
In this office of the Secretary of State  
of the State of California

APR 28 1988  
At 3:47 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

ROSALIE CLARK CHIEF, REGULATIONS DEVELOPMENT BUREAU

(916) 445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

30-002, 134, 154, 302, 310, 352, 354, 364, 376, & 400

SECTIONS REPEALED:

30-356.12

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission (Include FPPC approval stamp)

☐ Building Standards Commission (Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER SEPTEMBER 4, 1987	b. DATE OF FINAL AGENCY ACTION MARCH 22, 1988	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) NONE
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective upon filing with the Secretary of State.

c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s):

d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority:

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Sections 30-002(e)(1), (i), and (jj); renumber Sections 30-002(j) through (bb) as (k) through (cc) respectively, (cc) through (gg) as (ee) through (ii) respectively, and (hh) as (kk) to read:

30-002 DEFINITIONS (Continued)

30-002

(e) "Child" means a person under 18 years of age.

(1) "Child-placing agency" means a county welfare or social services department; a county probation department when subject to the provisions of Welfare and Institutions Code Section 202.5; the Los Angeles County Department of Children's Services; and the Los Angeles County Department of Adoptions.

(f), (g), and (h) (Continued)

(i) "Exploitation" means forcing or coercing a person into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165.1(c).

(1) Penal Code Section 11165.1(c), in pertinent part, defines "sexual exploitation" as follows referring to the following:

~~(A) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or Subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).~~

(A) Any person who knowingly promotes, aids or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for parent or guardian of a child's welfare under his or her control who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, or live performance involving obscene sexual conduct for commercial purposes.

(B) "Person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator, or employee of a public or private

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residential home, residential school, or other residential institution.

(f) Any person who depicts a child inr or who knowingly develops, duplicates, prints, or exchanges any film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in Subdivisions (e) and (e) of Section 311r3.

(j) Reserved

(jk) (Continued)

(kl) (Continued)

(lm) (Continued)

(mn) (Continued)

(no) (Continued)

(op) (Continued)

(pq) (Continued)

(qr) (Continued)

(rs) (Continued)

(st) (Continued)

(tu) (Continued)

(uv) (Continued)

(vw) (Continued)

(wx) (Continued)

(xy) (Continued)

(yz) (Continued)

(zaa) (Continued)

(aabb) (Continued)

(bbcc) (Continued)

(dd) Reserved

(eee) (Continued)

(deff) (Continued)

(eeqq) (Continued)

(ffhh) (Continued)

(geii) (Continued)

(jj) "Unfounded report" means a report or referral of alleged child abuse, neglect, or exploitation that, upon investigation by emergency response staff, is found to be as described by Penal Code Section 11165.12.

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(1) This statute describes an unfounded report as follows:

(A) A report (of child abuse) which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse as defined in (Penal Code) Section 11165.6.

(hkkk) (Continued)

(ll) Reserved

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 26229 of the Government Code; Section 11165.1 and .12 of the Penal Code.

Amend Section 30-134.11 to read:

30-134 INITIAL EVALUATION

30-134

.1 (Continued)

- .11 The potential for or the existence of any condition(s) which places the child, or any other child in the family or household, at risk and in need of services; and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (de).

.111 These statutes specify as follows:

- (a) Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

- (1) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising care or control, or has no parent, guardian, or custodian actually exercising care or control. No parent shall be found to be incapable of exercising proper and effective parental care or control solely because of a physical disability including, but not limited to, a defect in the visual or auditory functions of his or her body, unless the court finds that the disability prevents the parent from exercising such care or control.

- (2) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode except that no person may be adjudged a dependent child solely due to the lack of an emergency shelter for the family.

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- (3) Who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.
- (4) Whose home is an unfit place for him/her by reason of neglect, cruelty, depravity, or physical abuse of either of his/her parents, or of his/her guardian or other person in whose custody or care he/she is.
- (5) Who is under the age of three and whose home is an unfit place for him/her as a result of severe physical abuse of the minor by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that that person was physically abusing the minor.
- (6) It is the intention of the Legislature...that courts, ...shall not focus upon the fact that a parent has a physical disability. ...a court's determination should center upon whether a parent's disability prevents him or her from exercising care and control.

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 300 of the Welfare and Institutions Code.

Amend Section 30-154.2 to read:

30-154 TEMPORARY PLACEMENT SERVICES (Continued)

30-154

.2 (Continued)

.22 Where the child has been removed due to the absence of the parent(s), for one of the reasons stated in Welfare and Institutions Code Section 361(b)(5), the social worker shall document those circumstances in the case record.

.221 Welfare and Institutions Code Section 361(b)(5) specifies as follows:

(a) The minor has been left without any provisions for his/her support, or a parent who has been incarcerated or institutionalized cannot arrange for the care of the minor, or a relative or other adult custodian with whom the child has been left by the parent is unwilling or unable to provide care or support for the child and the whereabouts of the parent is unknown and reasonable efforts to locate him or her have been unsuccessful.

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Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 361(b)(5) of the Welfare and Institutions Code.



Amend and renumber Section 30-302 to read:

30-302 DEFINITIONS (Continued)

30-302

(e) "Consumer Necessities Index" means the index, prepared by the California Commission on State Finance, based on the weighted average changes for food, clothing, fuel, utilities, rent, and transportation for low income consumers.

(ef) (Continued)

(fg) (Continued)

(gh) (Continued)

(hi) (Continued)

(ij) (Continued)

(jk) (Continued)

(kl) (Continued)

(~~lm~~) "IRS dependent deduction exemption allowance" means that amount allowed by the Internal Revenue Service as a deduction, for the individual, the spouse, and any persons for whom the taxpayer provided 50% or more of the support of as a dependents of the taxpayer, when a taxpayer computing federal income tax payments.

(~~mn~~) "IRS standard deduction" means that amount allowed by the Internal Revenue Service as a standard deduction based upon the taxpayer's filing status for a taxpayer when computing federal income tax payments.

(~~no~~) "IRS income tax annual withholding percentage" means the percentage applied to the gross family income to obtain the amount to be withheld from the gross family income for federal income tax payments, based on family size and income.

(~~op~~) (Continued)

(~~oq~~) (Continued)

(er) "Median income" means that income level at which the California Franchise Tax Board Federal Bureau of Labor Statistics indicates half of California American families filing a joint return earn a higher, and half a lower, income.

(rs) (Continued)

(st) (Continued)

(tu) (Continued)

(uv) (Continued)

(vw) (Continued)

(wx) (Continued)

(xy) "SDI annual withholding percentage" means that amount withheld from wages by a person's employer for that person's contribution to the State Disability Insurance Fund.

(yz) "State income tax annual withholding" means that amount withheld by a person's employer in payment of that person's annual state income tax obligation based on family size and income.

(zaa) (Continued)

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 16507.4 of the Welfare and Institutions Code.

Amend Section 30-310.1 to read:

30-310 ELIGIBILITY

30-310

- 1 Family ~~Reunification~~ ~~Services~~ shall be available as specified in Welfare and Institutions Code Sections ~~361(f)~~ 16507 and 16507.4.

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- 11 These ~~Statutes~~ specify the following:

- 111 Such services shall be available without regard to income to any family whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Welfare and Institutions Code Section 300. These services shall not exceed 12 months except as provided in Welfare and Institutions Code Section ~~361(f)~~ 361.5(a). Services may be extended for up to an additional six months by court order if it can be shown that the objectives of the service plan can be achieved within the extended period. Family Reunification Services shall only be provided when a child has been placed in out-of-home care, or is in the care of a previously noncustodial parent under the supervision of the juvenile court.

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 16507 of the Welfare and Institutions Code.

Amend Handbook Section 30-352.117 to read:

30-352 POSTPLACEMENT SERVICES

30-352

.1 (Continued)

HANDBOOK

.11 (Continued)

.117 Out-of-Home Respite Care.

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Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 16501 of the Welfare and Institutions Code.

Amend and renumber Section 30-354 to read:

30-354 CASE TRANSFER

30-354

- 1 The child's case shall be transferred to the Family Maintenance Program or the Permanent Placement Program as provided in Sections 30-354.2 and .3.
- 2 The child's case shall be transferred to the Family Maintenance Program under any of the circumstances specified under Section 30-172.
- ~~13~~ (Continued)
  - ~~131~~ (Continued)
  - ~~132~~ (Continued)
  - ~~133~~ (Continued)
  - ~~34~~ The court has determined, pursuant to Welfare and Institutions Code Section 361.5, that Family Reunification Services shall not be ordered.
- ~~24~~ (Continued)
- ~~35~~ (Continued)
  - ~~351~~ (Continued)
    - ~~3511~~ (Continued)
    - ~~3512~~ (Continued)
  - ~~352~~ (Continued)
  - ~~353~~ (Continued)
- ~~46~~ (Continued)
- ~~57~~ (Continued)

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference:

Section 361.5 of the Welfare and Institutions  
Code.

Repeal Section 30-356.12 and renumber Subsections 30-356.13 and .14 to .12 and .13 respectively, to read:

30-356 CASE TERMINATION

30-356

.1 Family ~~Reunification~~ Services shall terminate under any of the following circumstances:

.11 The dependency is dismissed.

~~.12 The child is transferred to another service program.~~

.132 The child is emancipated.

.143 The family withdraws the child from voluntary placement.

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 10553 of the Welfare and Institutions Code.

30-364 ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS 30-364

(Continued)

• 7 (Continued)

• 77 The department or county welfare department (CWD) shall use the formula specified in Section 30-364.771 through 30-364.776 below to compute monthly liability schedules:

• 771 Multiply the gross family annual income by the following factors and subtract the resultant sums from the gross family annual income to obtain the adjusted gross family annual income:

(a) FICA withholding percentage IRS standard deduction.

(b) SDI withholding percentage IRS deduction for each dependent.

(c) FICA annual withholding

(d) SSI annual withholding

(e) State income tax annual withholding

• 772 Subtract the following factors from the adjusted gross family annual income to obtain the actual gross family annual income:

(a) IRS income tax annual withholding.

(b) State income tax annual withholding.

• 7723 Subtract the following factors from the actual gross family annual income to obtain the consumer price index increase from the adjusted gross net family annual income to determine net family annual income:

(a) IRS standard deduction for married persons filing jointly or head of household.

(b) IRS exemption allowance for number of persons in the family.



.7734 Multiply the adjusted net family annual income by the following factors IRS withholding percentage and subtract the resultant sums from to determine the adjusted net family annual income surplus to obtain the actual net family annual income:

(a) Federal Consumer Price Index percentage increase for the most closely located economic area (San Francisco, Los Angeles, or San Diego).

(b) California Consumer's Necessities Index percentage increase.

.7745 Divide the actual net family annual income surplus by the California mean income for married persons filing jointly; apply the resultant percentage to the actual net family annual income to obtain the realized net family annual income by 12 to determine the unadjusted monthly liability.

.7756 Divide the realized net family annual income by 12 to obtain the realized net family monthly income. Determine the actual monthly liability as follows:

(a) Determine the median income through projection from the federal Bureau of Labor Statistics Family Expense Tables by family size and income.

(b) Weigh the median income percentage for income group to include income and dependent grid position, and apply to the unadjusted monthly liability.

.7767 If the gross family annual income is equal to or less than the California mean income for married persons filing jointly, multiply the realized net family monthly income by 15%; if the gross family annual income is more than the California mean income for married persons filing jointly, multiply the realized net family monthly income by 20%. This is the family's monthly liability. Divide the actual monthly liability base by the percent differential from the federal Bureau of Labor Statistics California Economic Area Indices to determine the actual monthly liability by economic area.

## .778 EXAMPLE:

The Henderson Anderson's are a family of four with a gross family annual income of \$44,000 \$22,140. The Henderson's Anderson's reside in Bakersfield. The following sample computation illustrates a computation of monthly liability based upon the above circumstances:

Gross family annual income	\$ 44,000
15% standard deduction	- 1,200
	\$ 42,800
Four deductions @ \$750	- 3,000
	\$ 39,800
5.85% FICA withheld	- 458
	\$ 39,342
1% SSI withheld	- 80
	\$ 39,262
BLS cost of living adjustment from Consumer Price Index	- 1,336
Net family annual income	\$ 37,926
IRS withholding percentage	.08
Annual surplus	\$ 3,493
	- 12
Unadjusted monthly liability	\$ 12
Weighted median income adjustment	- 6
Actual monthly liability base	\$ 6
Economic area indices % of base	X .94
Monthly liability for area of residence	\$ 6

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<u>Gross Family Annual Income</u>	<u>\$22,140</u>
<u>less .0715 FICA percentage</u>	<u>- 1,583</u>
<u>less .009 SOI</u>	<u>- 199</u>
<u>Adjusted Gross Family Annual Income</u>	<u>= \$20,358</u>
<u>less IRS withholding</u>	<u>- 2,200</u>
<u>less state withholding</u>	<u>- 533</u>
<u>Actual Gross Family Annual Income</u>	<u>= \$17,625</u>
<u>less IRS standard deduction</u>	<u>- 3,670</u>
<u>less IRS exemption allowance x 4 persons</u>	<u>- 4,320</u>
<u>Adjusted Net Family Annual Income</u>	<u>= \$ 9,635</u>
<u>less 4.03 CPI increase for LA area</u>	<u>- 388</u>
<u>less 4.8 CNI increase</u>	<u>- 462</u>
<u>Actual Net Family Annual Income</u>	<u>= \$ 8,785</u>
<u>CA Mean Income: \$30,410</u>	
<u>CA Mean Income % (8,785/30,410) = 29%</u>	
<u>Realized Net Family Annual Income</u>	<u>= \$ 2,549</u>
<u>Divided by 12 equals</u>	
<u>Realized Net Family Monthly Income</u>	<u>= \$ 212</u>
<u>Multiplied by 15% liability factor equals</u>	
<u>Total Family Monthly Liability for Services</u>	<u>= \$ 32</u>

.78 Sliding Fee Scale for Determining Monthly Liability for Voluntary Family Reunification

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FAMILY SIZE:		1	2	3	4	5	6	7	8	9	10 OR MORE
ANNUAL GROSS INCOME	MONTHLY GROSS INCOME	LIABILITY:									
No More Than											
\$ 7,080	\$ 590 or under	0	0	0	0	0	0	0	0	0	0
\$ 8,400	\$ 591 - 700	0	0	0	0	0	0	0	0	0	0
\$ 9,500	\$ 701 - 800	6	0	0	0	0	0	0	0	0	0
\$ 10,740	\$ 801 - 895	9	0	0	0	0	0	0	0	0	0
\$ 11,820	\$ 896 - 985	12	6	0	0	0	0	0	0	0	0
\$ 12,900	\$ 986 - 1,075	15	3	5	0	0	0	0	0	0	0
\$ 13,920	\$ 1,076 - 1,160	18	11	3	5	0	0	0	0	0	0
\$ 14,940	\$ 1,161 - 1,245	22	14	10	7	0	0	0	0	0	0
\$ 16,140	\$ 1,246 - 1,345	27	13	14	10	7	0	0	0	0	0
\$ 17,340	\$ 1,346 - 1,445	32	22	13	14	10	7	0	0	0	0
\$ 18,540	\$ 1,446 - 1,545	37	27	22	17	13	10	7	0	0	0
\$ 19,720	\$ 1,546 - 1,645	42	33	27	22	17	13	10	7	0	0
\$ 20,940	\$ 1,646 - 1,745	48	39	33	27	22	17	13	9	6	0
\$ 22,140	\$ 1,746 - 1,845	54	45	39	32	27	21	17	13	9	6
\$ 23,340	\$ 1,846 - 1,945	60	52	45	38	32	26	21	17	13	9
\$ 24,540	\$ 1,946 - 2,045	67	59	52	45	38	32	26	21	16	12
\$ 25,740	\$ 2,046 - 2,145	74	66	58	51	44	37	31	26	20	16
\$ 26,940	\$ 2,146 - 2,245	80	74	66	55	51	44	37	31	24	20
\$ 28,140	\$ 2,246 - 2,345	87	82	73	65	57	50	43	36	29	25
\$ 29,340	\$ 2,346 - 2,445	94	90	81	72	64	57	49	43	35	30
\$ 30,540	\$ 2,446 - 2,545	101	98	89	80	72	64	56	49	41	35
\$ 31,740	\$ 2,546 - 2,645	144	141	130	117	106	95	84	74	62	55
\$ 32,940	\$ 2,646 - 2,745	154	149	141	123	116	104	93	83	70	63
\$ 34,140	\$ 2,746 - 2,845	156	160	153	140	127	115	103	92	79	72
\$ 35,340	\$ 2,846 - 2,945	179	170	163	151	138	125	113	102	89	81
\$ 36,540	\$ 2,946 - 3,045	191	184	175	163	150	137	124	112	98	90
\$ 37,740	\$ 3,046 - 3,145	204	194	185	175	161	148	135	123	107	99
\$ 38,940	\$ 3,146 - 3,245	218	205	200	188	173	160	147	134	117	109
\$ 40,140	\$ 3,246 - 3,345	230	219	209	200	186	171	158	145	128	120
\$ 41,340	\$ 3,346 - 3,445	243	230	225	213	198	184	169	156	138	130
\$ 42,540	\$ 3,446 - 3,545	256	245	235	226	211	196	182	168	149	141
\$ 43,740	\$ 3,546 - 3,645	259	253	247	238	223	209	194	179	160	152
\$ 44,940	\$ 3,646 - 3,745	283	267	258	248	235	220	206	192	172	163
\$ 46,140	\$ 3,746 - 3,845	297	280	270	260	248	233	218	204	183	175
\$ 47,340	\$ 3,846 - 3,945	311	294	282	277	261	245	230	216	195	187
\$ 48,540	\$ 3,946 - 4,045	325	308	295	285	275	258	243	227	206	199
\$ 49,740	\$ 4,046 - 4,145	340	322	307	295	288	271	255	240	217	210
\$ 50,940	\$ 4,146 - 4,245	354	337	325	319	301	284	268	252	229	222
\$ 52,140	\$ 4,246 - 4,345	368	351	335	325	315	298	281	265	241	234
\$ 53,340	\$ 4,346 - 4,445	382	364	347	340	329	312	295	278	253	246
\$ 55,740	\$ 4,446 - 4,645	411	392	380	370	356	339	322	305	279	271
\$ 56,940	\$ 4,646 - 4,745	426	407	395	387	370	353	335	319	292	284
\$ 58,140	\$ 4,746 - 4,845	441	421	405	395	384	366	349	332	305	298
\$ 59,340	\$ 4,846 - 4,945	456	436	425	417	399	380	362	345	317	311
\$ 60,540	\$ 4,946 - 5,045	471	451	437	425	412	394	376	358	330	320
\$ 61,740	\$ 5,046 - 5,145	487	467	445	440	428	409	400	372	343	327
\$ 62,940	\$ 5,146 - 5,245	503	482	462	455	443	423	404	386	356	350

For each additional \$100 of monthly income, add \$10 of liability fee.

.79 (Continued)

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 16507.4 of the Welfare and Institutions Code.

Amend and renumber Section 30-376.151 to read:

30-376 CASE RECORDS

30-376

.1 (Continued)

.15 (Continued)

.151 Such reassessments shall be readily identifiable in the case record, and shall include the following information:

(a) (Continued)

(b) An evaluation of the adequacy and continued appropriateness of the services provided to the child and the family.

(c) (Continued)

(d) (Continued)

(e) (Continued)

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 11400(b) of the Welfare and Institutions Code.

Amend Section 30-400.1 to read:

30-400 GENERAL

30-400

- 1 The provisions of this chapter shall apply whenever ~~a~~<sup>p</sup>ermanent ~~p~~<sup>p</sup>lacement ~~p~~<sup>p</sup>rogram ~~s~~<sup>s</sup>ervices are provided to a child who cannot safely live with his/her parent(s)/guardian(s), and who is not likely to return to his/her home or when the court has determined that Family Reunification Services should not be provided.

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 361.5 of the Welfare and Institutions Code.

# OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

**FILED**  
In this office of the Secretary of State  
of the State of California

APR 28 1988  
At 3:41 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

**Submitting Agency:** Department of Social Services

**DAL File No:** 88-0329-03

[Signature]  
for **LINDA STOCKDALE BREWER**  
**DIRECTOR**

4/28/88  
Date

FACE SHEET

88-0331-03  
(See Instructions on Reverse)

OFFICE OF ADMINISTRATIVE LAW

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

ENDORSED  
APPROVED FOR FILING  
APR 28 1988

STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

*J. S. McNeil*  
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3/30/88

FILED  
In this office of the Secretary of State  
of the State of California

RDB #APR 28 1988  
At 3:49 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

323-0883

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

(See Attached)

SECTIONS AMENDED:

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: See attached

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL:

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPCC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other \_\_\_\_\_ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 1, 1987	b. DATE OF FINAL AGENCY ACTION MAR 30 1988	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) February 10-25, 1988
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)



## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
  - e. If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

STD Form 400 (Continued)

- 3.a. Sections Adopted: 40-169 et seq.; 41-440.5 (Handbook); 41-441 (Handbook); 41-600 (Handbook); 41-601; 41-602; 41-603; 41-604; 41-605; 41-606; 41-607; 41-608; 41-609; and 41-700.

Sections Amended: 22-022.14; 41-400; 41-401.1 and .3; 41-440, 41-440.1(a)-(n), 41-440.2, 41-440.4, 41-440.7; 41-500.4; 42-688.2; 42-910.2; 44-103.117(d) and (e); 44-111.232(e); 44-203.12 and .312(a); 44-205.513(a), .63, and .644; 44-206.25 and .26; and 44-315.52.

Sections Repealed: 41-410; 41-440.12(a)-(j) and 41-440.5; 41-441; 41-442; and 44-205.72.

- 3.b. Sections containing substantive modifications to the text originally noticed.

40-169.1, .21, .22, .23, .24, .3, .32, .33, .34, and .35; 41-401.3; 41-440.1(a)(4)(Handbook), (c), (d), (d)(2)(A), (d)(2)(B) and (n); 41-440.21, .23, .261 and .262(a); 41-440.41, .411, .412 (Handbook), .413, .413(a), .414, and .42; 41-440.712; 41-441.11, .12, and .16 (Handbook); 41-500.43; 41-602.5, .631, and .632; 41-605.4; 41-608.14; 41-609.3 (Handbook); and 41-700.

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. MCMAHON  
Director

22-022      TIMELY NOTICE - AID PAID PENDING

•1 (Continued)

Authority Cited: Sections 10553 and 10554. Welfare and Institutions Code.

1

Adopt new Section 40-169 to read:

40-169 EMPLOYMENT REGISTRATION REQUIREMENTS FOR PERSONS 40-169  
APPLYING FOR AFDC OR INCLUDED IN THE ASSISTANCE UNIT

- .1 Persons who are federally eligible under Section 44-209.2 and 44-209.3 and who are not exempt under Section 42-630 are automatically registered with WIN Demo or GAIN.
  - .11 Included are principal earners who establish federal AFDC-U eligibility for the family under Section 42-625.1.
- .2 Persons required to register with EDD-Job Services are:
  - .21 Principal earners who are exempt from WIN Demo registration under Section 42-636 (remoteness).
  - .22 Principal earners who receive State-only AFDC-U or State-only assistance.
- .3 Persons not required to register with EDD-Job Services or WIN Demo/GAIN are:
  - .31 State-only AFDC-U recipients who are not principal earners.
  - .32 Federally eligible persons described in Section 40-169.1 who are exempt under Section 42-630. Principal earners who are exempt solely under Section 42-636 (remoteness) are required to register for EDD-Job Services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201(b)(2) and 11310, Welfare and Institutions Code, and 45 CFR 224.20(b) 45 CFR 233.100(a)(5)(1).

Amend MPP Section 41-400 to read:

41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE

41-400

Deprivation of parental support or care is a separate and specific eligibility factor for AFDC. A child's deprivation is based on the status of his/her natural or adoptive parent or parents, ~~or on his relinquishment for adoption~~ (For AFDC-FC see Division 45.)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11250 and 11251 (repealed 1980), Welfare and Institutions Code; and 45 CFR 233.90.

Amend MDP Sections 41-401.1, and .3 to read:

41-401 BASIS OF DEPRIVATION

41-401

.1 A child is considered deprived of parental support or care if:

a. ~~The child has been relinquished for adoption (see Section 41-410);~~

b. 11 Either parent is deceased (see Section 41-420);

c. 12 Either parent is physically or mentally incapacitated (see Section 41-430);

d. 13 ~~Either The principal earner parent~~ is unemployed (see Section 41-440 for Federal AFDC-U or Chapter 41-600 for State-only AFDC-U);

e. 14 Either parent is continually absent from the home in which the child is living (see Section 41-450).

.2 (Continued)

.3 When the child is deprived of parental support or care for more than one reason, eligibility may be established on any basis of deprivation that appears in Section 41-401.1 above except that: if federal participation is precluded under one basis,

.31 Federal AFDC-U shall not be selected if the child is eligible under another federal deprivation, and

.32 The basis which permits federal participation shall be used first whenever possible. Interpretation - Regardless of the basis of deprivation upon which the child is determined to be eligible for AFDC, the requirements for securing absent parent support remain unmodified.

Interpretation - Regardless of the basis of deprivation upon which the child is determined to be eligible for AFDC, the requirements for securing absent parent support remain unmodified.

HANDBOOK

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201, 11250, and 11251 (repealed 1980), Welfare and Institutions Code; 45 CFR 233.90 and 45 CFR 233.100.



Repeal WPP Section 41-410:

41-410 RELINQUISHMENT FOR ADOPTION

41-410

.1 Deprivation Due to Relinquishment for Adoption

- .11 Deprivation due to relinquishment for adoption shall be determined to exist if the child meets the requirements of 45-203.311.

.2 Termination of Deprivation Due to Relinquishment for Adoption

Deprivation because of relinquishment for adoption ends:

- .21 When the child is placed for adoption; or
- .22 When relinquishment is terminated.

.3 Acceptable Evidence of Deprivation Due to Relinquishment for Adoption

A copy of the signed statement from the adoption agency that the child has been relinquished for adoption shall be necessary to support a determination of deprivation.

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Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11251 (repealed in 1980).

Amend MPP Section 41-440 (Title) and Section 41-440.1 to read:

41-440     UNEMPLOYMENT OF A PARENT OR PARENTS  
            FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM

41-440

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

•1 Definitions

•11(a) Unemployed Parent: Except as specified in 41-440.12

(1) aAn unemployed parent is a one of the natural or adoptive parents with whom a child is living, and who is the principal earner [see Section 41-440.1(b)], and who:

•111(A) Is not employed working; or

•112(B) Is employed less than 100 hours per month; or

•113(C) Is employed 100 hours or more in a particular month but the work is intermittent and the excess over the 100 hours is temporary in nature as evidenced by:

(ai) his/her hours of employment were less than the 100 hours standard in the two prior months; and

(bii) his/her hours of employment are expected to be less than the 100 hours standard in the succeeding month; and.

•114 Is the principal earner. The principal earner shall be determined according to (a) or (b) below, as appropriate.

(a) For federal AFDC-U purposes, the principal earner shall be determined in accordance with the provisions of Section 41-440.411.

(b) For State-only AFDC-U purposes, the principal earner shall be determined in

accordance with the provisions of Section  
41-449.122.

- (2) When the principal earner is employed for less than 100 hours a month, he/she shall not be considered employed for purposes of unemployment deprivation.
- (3) Since only the principal earner can establish unemployment deprivation, the 100-hour standard does not apply to the parent who is not the principal earner.
- (4) EXAMPLE:

A principal earner is employed part-time (80 hours a month) during the months preceding May. In May he reports that he will be working 160 hours in June because he is covering for another employee. He is expected to return to 80 hours in July. During June, unemployment deprivation exists since the principal earner worked less than 100 hours in April and May and he is expected to work more than 100 hours in June.

In July, the same principal earner reports that he is working 160 hours in July, but is not expected to exceed 100 hours in August. Since he worked over 100 hours in June, which is one of the two months preceding July, unemployment deprivation does not exist for July. However, deprivation based on unemployment for June is not affected by the actual hours worked in July because in June the principal earner was expected to work less than 100 hours in July.

June does not represent a break in aid. A new determination of federal eligibility is not needed.

- (b) Hours of Employment -- The hours an individual spent providing a service or product, whether the individual is an employee or self-employed. Any hours spent working to acquire earned income, whether the individual receives the income or not, shall be considered toward the 100-hour limit in (a) above and any income earned is

counted toward establishing a connection with the labor force.

EXAMPLE:

A principal earner is self-employed as a salesperson selling a product door-to-door. The individual spent the following hours in the month of April in connection with his occupation.

40 hours collecting orders for the product.

15 hours ordering the products from the supplier. This includes completing the necessary paperwork and going to the post office.

5 hours developing and delivering flyers advertising the business.

4 hours with floor duty at the distributors office.

32 hours delivering the products to the customers.

10 hours distributing new catalogs.

In this situation all of the above hours count as hours worked because all hours were spent promoting the business or attempting to or making contact with prospective or actual customers.

HANDBOOK

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11201(a), Welfare and Institutions Code; and 45 CFR 233.100(a)(1) and 45 CFR 233.100(a)(3)(vi).

Amend Section 41-440.1 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.1 Definitions (Continued)

(c) Principal Earner: In a home in which both parents of an eligible child are living, the principal earner is whichever parent earned the greater amount of income in the 24-month period, the last month of which immediately precedes the date of application or the month of transfer to federal AFDC-U as defined in Section 41-440.1(d):

When both parents qualify as the principal earner and have earned an identical amount of income in such 24-month period, the county in consultation with the parents shall designate which parent is the principal earner. Such designation shall not preclude federal financial participation. Once the principal earner has been determined correctly, that parent continues to be the principal earner for each consecutive month for which the family receives federal AFDC-U.

(d) Date of Application or Request for Transfer to federal AFDC-U: The date of application for determining (or month of) the request for transfer to federal eligibility (see Section 41-440.411) is either:

(1) the date of application for federal AFDC-U benefits on the basis of unemployment of the principal earner, or

(2) the date of an interprogram status change when a family's circumstances have changed in such a way that:

(A) Eligibility may be established for federal AFDC-U; for example, a parent returns to the home, a parent is no longer incapacitated, or the principal earner acquires a connection with the labor force.

(B) Eligibility may be established for federal AFDC-U because the family is no longer eligible for a state AFDC program (e.g., Shaw v. McMahon, Simon v. McMahon, or State-only AFDC-U).

The county shall identify the need for and assist the recipient in making the status change. (See Section 41-440.411.)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.100(a)(1) and 45 CFR 233.100(a)(3)(iii) and (vi).

Amend Section 41-440.1(e) to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.1 Definitions (Continued)

41-440.1(e) Employment in WIN Components: Parents in On-the-Job Training (~~EEFA/BJT~~ or WIN/OJT) and parents in Public Services Employment (~~EEFA/PSE~~ or WIN/PSE) and parents in ~~EEFA~~ employment are considered employed for purposes of deprivation. In other words, WIN/OJT and WIN/PSE and EEFA Work Experience are not considered training programs but are considered employment, and deprivation due to unemployment does not exist if the parent participates 100 hours or more per month exceeds the limit specified in Section 41-440.1(a).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11210 and 11310, Welfare and Institutions Code; 45 CFR 224.42(b), 45 CFR 233.20(a)(3)(xvii), 45 CFR 233.100(a) (1) (i) and (a) (3) (iii).

Amend Section 41-440.1(f) through (n) to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.1 Definition (Continued)

†5 The following are definitions of words as used in this section (in alphabetical order):

(a) ~~AFDC-U~~ Parent — The parent who establishes a deprivation on the basis of unemployment. The parent can be included or excluded from the FBU.

(b) Cause Determination — A determination made that a ~~an AFDC-U parent~~ principal earner either did or did not have a good reason for failure or refusal to meet a program requirements.

(c) EDD-JS — Employment Development Department, Job Services section. That section of EDD which registers the remote principal earner and the state-only principal earner for employment services.

(d) Exempt ~~AFDC-U~~ Parent Principal Earner — The ~~AFDC-U~~ parent principal earner who is not required to be registered in accordance with Section 42-625 or with EDD-JS for employment services pursuant to Section 41-440.243.

(e) GAIN AFDC-U Principal Earner — The principal earner residing in a GAIN county who is automatically registered for GAIN as a condition of eligibility.

(f) IMU — Income Maintenance Unit. That unit within the county welfare department which makes eligibility and grant determinations.

(g) Nonexempt ~~AFDC-U~~ Parent Principal Earner — The ~~AFDC-U~~ parent principal earner who is automatically registered in accordance with Section 42-625 or is required to register with EDD-JS pursuant to Section 41-440.245.

(h) Non-WIN/Non-GAIN Principal Earner —

†† ~~the~~ federally eligible AFDC-U parent principal earner who is exempt from



WIN Demo or GAIN redistration due to remoteness.

(2) The state-only AFDC-U parents.

(+m) WIN AFDC-U Parent Principal Earner - The AFDC-U parent federally eligible principal earner residing in a WIN county who is required to register for WIN Demo as a condition of eligibility.

(n) Quarter of Application or Transfer to Federal AFDC-U - The calendar quarter in which the family's aid status changes to or the family applies for AFDC on the basis of unemployment of the principal earner.

(See Sections 42-600.3 and 42-710.3 for additional definitions applicable to the employment programs.)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201(a) and 11310, Welfare and Institutions Code; and 45 CFR 224.20, 45 CFR 233.100(a)(3)(ii), (iii), (vi), and (a) (5).

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.1 Definition (Continued)

.12 State-only AFDC-U Program

(a) The family of a parent who is unemployed, as specified in Section 41-440.11, may be eligible for benefits under the State-only AFDC-U Program if the county determines that:

- (1) Neither parent in the home is employed full time; and
- (2) Neither parent can meet the requirements for federal financial participation specified under Section 41-440.4, and
- (3) Deprivation is due to the unemployment of whichever parent in the home in which both parents are living, is the principal earner.

(b) Except as provided in (1) below, for State-only AFDC-U program purposes, the principal earner shall be determined by the family:

(1) If the family fails to designate the principal earner the county shall make the determination as follows:

(A) If at least one of the parents has work or training experience which is applicable towards acquiring a connection with the labor force, as specified in Section 41-440.43, the county shall designate as the principal earner that parent who has the best potential for establishing a connection with the labor force; or

(B) If neither parent has any work or training experience which is applicable towards acquiring the connection with the labor force, as specified in Section 41-440.43, the

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principal earner shall be whichever parent the county designates.

(c) Once the principal earner has been determined, that parent continues to be the principal earner for each consecutive month for which the family receives State-only AFDC-U benefits except when the other parent meets the definition of principal earner in accordance with Section 41-440.411 and qualifies for federal AFDC-U in accordance with Section 41-440.4.

(d) Eligibility for State-only AFDC-U program benefits shall not exceed three months in any 12 consecutive month period except that for those families who receive EA-UP in that period (see Section 41-500), eligibility under this program shall be limited to two months in any 12 consecutive month period.

(1) Persons receiving EA-UP or State-only AFDC-U on the effective date of these regulations, if otherwise eligible, shall be eligible as a person to receive up to 30 days of EA-UP and three months of State-only AFDC-U during the 12 consecutive month period which began on the beginning date of aid.

(e) The eligibility period shall be determined as follows:

(1) Emergency Assistance program benefits under Section 41-500 cannot be paid to a pregnant woman one person FBU, or to cover the pregnancy special need payment (Section 44-205.2 and 44-211.4). When a pregnant woman and unborn child, if born and living with the mother, would be eligible to receive State-only AFDC-U program benefits, the pregnant woman shall be eligible to receive up to three months of State-only AFDC-U benefits during the 12 consecutive month period which commences on the beginning date of aid.

(F) If a person's aid is discontinued prior to the expiration of his/her eligibility period (see Section (e) above) aid may be restored later for a

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period of no more than the remaining portion of his/her eligibility period.

- (g) A person's eligibility period commenced on the beginning date of aid and, if otherwise eligible, expires after three months of aid has been received. That eligibility period may expire on any date prior to the end of a calendar month if the beginning date of aid was a date other than the first day of a calendar month.
- (h) At the time that aid is approved, a person eligible to receive aid under this section shall be informed in writing that the eligibility period for the program is time-limited; that, unless there is a change in circumstances, aid payments shall terminate at the end of the specified period; and that if he/she disagrees with the proposed action, he/she has a right to request a state hearing.
- (i) No aid shall be paid to a recipient under this section who has requested a state hearing but whose time-limited eligibility period has expired.
- (j) The principal earner who is apparently eligible for Unemployment Insurance Benefits (UIB) shall apply for, meet all conditions of eligibility for, and accept any UIB for which EDD determines he/she may be eligible. (See Section 44-103.115(a) for those principal earners who are apparently eligible for UIB. See Section 44-103.242(a) for the definition of "meet all conditions of eligibility for UIB.") When the principal earner does not meet this requirement, State-only AFDC-U deprivation does not exist (see Section 44-206.26).

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Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554, 11201(b), and 11315.

Amend MPP Section 41-440.2 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment (Federal AFDC-U)

Note: Section 41-440.216 and .22 provisions does not apply to refusals, quits or terminations of state seasonal employment made available under the "AA 1531 Demonstration Project". See Section 42-7910.

In order to establish deprivation due to unemployment, the AFDC-U parent in a home in which both parents are living shall meet the following requirements shall be met:

.21 The AFDC-U parent applicant shall not have quit without good cause, a job or employment related training within the 30 days immediately prior to the beginning date of aid.

.21 Deprivation shall be due to the unemployment of the principal earner. Deprivation due to unemployment exists if the principal earner is unemployed (See Section 41-440.1(a) for definition of unemployed) and the child would otherwise be deprived for AFDC except that neither of his/her parents is deceased, incapacitated, or absent from the home.

.22 The AFDC-U parent applicant shall not have refused without good cause, a bona fide offer of employment or employment related training within the 30 days immediately prior to the beginning date of aid.

.22 The principal earner shall have been unemployed (Section 41-440.1(a) for at least 30 consecutive calendar days prior to the receipt of cash assistance based on AFDC-U deprivation. The 30 days begins the first day of the month in which the applicant principal earner worked less than 100 hours.

.221 EXAMPLE:

An applicant principal earner was laid off on April 13th and worked a total of 89 hours in April. This applicant's 30 day waiting period for Federal AFDC-U would begin on April 1.

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An applicant principal earner was laid off on April 20th and worked a total of 143 hours in April. This applicant's 30 day waiting period for federal AFDC-U would begin on May 1.

- 22 The AFDC-U parent shall possess or have applied for a Social Security number.
- 243 The federally eligible principal earner, whether included or excluded from the assistance unit, shall be work registered in accordance with Section 42-625. Those federally eligible principal earners who are exempt from registration only because of remoteness (Section 42-630.6) shall be registered with EDD-JS unless exempt in accordance with Section 42-630. The state-only principal earner shall be registered with EDP-JS unless exempt under Sections 42-633, 42-634, and 42-635. Those federally eligible principal earners who are exempt under any other exemption criterion in Section 42-630 do not have a work registration requirement.
- 241 The principal earner, whether included or excluded from a federally eligible assistance unit, shall be registered in accordance with Section 42-625.
- 242 For the non-WIN principal earner, this requirement is met by registering and maintaining registration with EDD-JS. See Section 41-441.1 for procedures.
- 231 The principal earner who is exempt under Section 42-636, but not otherwise exempt is required to maintain current registration through regular contacts as required by EDD-JS. In no event will the principal earner be required to report more frequently than is required by EDD-JS standards for all other EDD-JS registrants in that local community.
- 232 The requirement that those principal earners identified in Section 41-440.231 maintain current registration is absolute. A good cause determination is not made. Eligibility is reestablished when such individual is reregistered with EDD-JS.
- 233 When the principal earner does not meet or maintain the work registration requirements, federal AFDC-U deprivation does not exist for the family.

.24 The AFDC-U principal earner, who is apparently eligible for UIB (see Section 44-103.115(a)), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to FDD by the county welfare department. When the principal earner does not meet this requirement, Federal AFDC-U deprivation does not exist for the family (see Section 44-206.25). See Section 44-103 for the requirements for pursuing UIB as potential income for principal earners who are not exempt from WIN registration.

.25 The nonexempt federally eligible principal earner shall meet the participation requirements of Chapter 42-600 or 42-700 as appropriate.

.25 The principal earner shall not be unemployed as a result of his/her participation in a strike, as defined in Section 44-206.22.

(See Section 41-603 for possible State-only AFDC-U Program eligibility).

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.26 The remote or state-only principal earner shall:

.261 Accept a bona fide offer of employment.

.262 Continue existing employment.

.263 Participate in employment-related training approved or provided by FDD.

.264 Appear for interviews with an employer arranged by FDD-JS.

.265 Report to FDD-JS when called in by FDD-JS.

.26 The applicant principal earner shall not refuse Employment or Employment-Related Training.

.261 In the 30-day period immediately prior to the beginning date of AFDC-U, the principal earner shall not have, without good cause, refused a bona fide offer of employment or employment-related training.

.262 Good cause determinations:

(a) Shall be made by the local WIN Demo/GAIN staff (see Sections 42-688 and 42-781 for good cause criteria) for those job

referrals made by WIN Demo/GAIN for WIN/GAIN registered principal earners. The good cause determinations of the WIN Demo/GAIN staff may be appealed through the state hearing process of the Department of Social Services. (See Division 22-000 for state hearing process.)

(b) Shall be made by the CWD, for good cause determinations when the referral was not made by either WIN Demo or FDD-JS.

(c) Are to be made by the local FDD-JS staff, for those job referrals made by FDD for FDD-JS registered principal earners applicants. (See (a) above for appeal rights.)

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.263 When making a good cause determination the CWD shall:

(a) Determine whether a bona fide offer of employment or training was made to the individual.

(b) Determine whether the individual refused to accept the bona fide offer of employment or training or failed to begin the employment or training as planned.

(c) Give the individual an opportunity to explain why the offer was not accepted.

.264 Good cause exists for refusing a bona fide offer of employment or employment-related training (see Section 41-440.261) when one or more of the following exist:

(a) The wage offered for the employment or training was less than the applicable state or federal minimum wage, or was lower than the customary wage in the community for that particular employment or training as set by FDD, whichever is higher.

(b) The type of employment or training exceeded the individual's mental or physical capacity.

(c) The individual was ill.



(d) The individual was without means of getting to or from the place of employment or training.

(e) The offer of employment was from an employer who does not:

(1) Possess an appropriate license to engage in his business, or

(2) Withhold or hold in trust the employee contribution required by Part 2, Division 1 of the Unemployment Insurance Code, Section 2601, et seq., for unemployment compensation disability benefits and does not transmit all such employee contributions to the Employment Development Department for the Disability Fund as required by Section 986 of the UI Code; or

(f) The employment or training violated applicable health and safety laws and regulations.

.265 When the applicant principal earner does not meet the good cause requirements of Section 41-440.26, the family shall be ineligible for federal AFDC-U for 30 days from the date he/she refused an offer of a job or training. Refusal of a job includes a job quit. (See Section 41-605 for possible State-only AFDC-U eligibility with good cause.) The CWD shall:

(a) Deny aid for the applicant family or hold the application pending eligibility (see Section 40-171).

(b) Inform the principal earner parent that he/she may reapply after expiration of the 30 days.

.27 Repealed by Manual Letter No. 82-57 (10/1/82).

.28 The AFDC-U parent who is in an approved work-related training program is required to participate in and fulfill the requirements of the program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 11201, Welfare and Institutions Code; and 45 CFR 233.100(a), (a)(1), (a)(1)(v), (a)(2), (a)(3), (a)(5)(i), (a)(5)(ii), (c)(1)(i), (c)(1)(ii), (c)(1)(v), and (c)(2); and 45 CFR 233.106.

Amend MMP Section 41-440.4 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

4 Conditions to be Met for Federal Participation in Payments to AFDC-U Families Connection with the Labor Force - Federal AFDC-U

41 Deprivation shall be due to the unemployment of the child's parent who is the principal earner as defined below.

411 For federal AFDC-U purposes, the principal earner is whichever parent in a home in which both parents of such child are living, earned the greater amount of income in the 24-month period, the last month of which immediately precedes either: (a) the month of application for AFDC benefits on the basis of the unemployment of a parent, or (b) the date of a redetermination that a family's circumstances have changed in such a way (e.g., parent returns to the home) as to meet the requirements for deprivation due to the unemployment of a parent. (See Sections 41-401.2 and 40-181.212.)

When neither parent qualifies as the principal earner because both parents earned an identical amount of income in such 24-month period, or neither parent had earnings in this period, the county shall designate which parent is the principal earner, except that such designation shall not preclude federal financial participation. Once the principal earner has been determined, that parent continues to be the principal earner for each consecutive month for which the family receives AFDC-U.

42 The principal earner shall be registered in accordance with Section 42-425.

431 The principal earner, including those being considered for transfer from Refugee Cash Assistance or Entrant Cash Assistance to AFDC-U, shall have established a connection with the labor force, except when he/she is converting from the Refugee Demonstration Project with an established labor force connection (see Section 60-204.332):

.4211 By meeting one of the following requirements of (a), (b), or (c) below in six calendar quarters within any 13-calendar-quarter period which ends within one year before the quarter date of application or transfer to federal AFDC-U occurs; see (Section 41-440.4313) below:

(a) Earned a gross of at least \$50 during the quarter; or

OR

(b) Participated during the quarter in any activity administered under any of the following:

- (1) The Work Incentive Program (WIN);
- (2) The Work Incentive Demonstration Program (WIN Demo);
- (3) The Community Work Experience Program (CWEP) including the San Diego Employment Work Experience Program (EWEP); or
- (4) The GAIN Program; or

OR

.412e By meeting a combination of Section 41-440.411 (a) and (b)

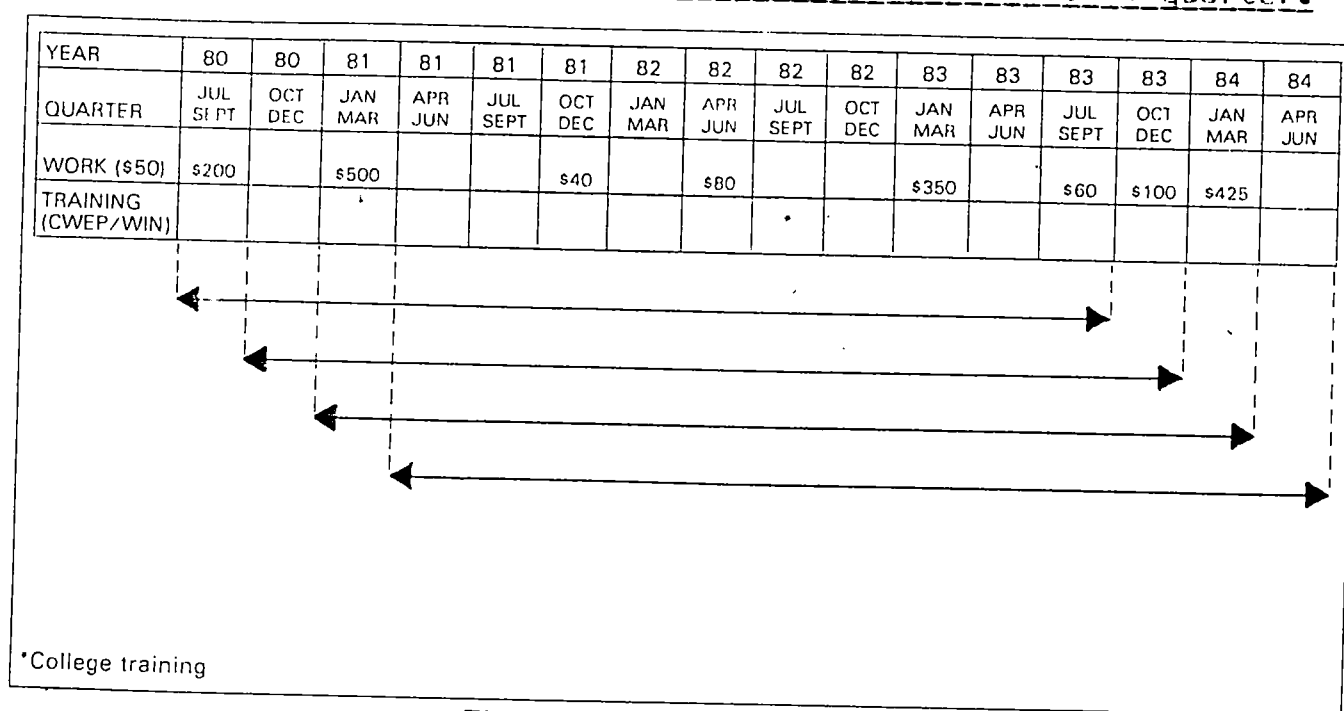
EXAMPLE

A family applies for AFDC-U in September 1984. The principal earner parent reports work/training history on the CA 2 as follows:

- 1) \$200 for July-September 1980 quarter
- 2) \$500 for January-March 1981 quarter
- 3) \$40 for October-December 1981 quarter
- 4) \$80 for April-June 1982 quarter
- 5) college level metal shop training for July-September 1982 quarter

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- 6) \$150 for January-March 1983 quarter
- 7) \$50 for July-September 1983 quarter
- 8) \$100 for October-December 1983 quarter
- 9) \$425 for January-March 1984 quarter
- 10) \$625 for July-September 1984 quarter.



\*College training

The July-September 1982 quarter does not count because the training was not a WIN or CWEP activity. The October-December 1981 quarter does not count because the earnings are less than \$50.

As shown on the above chart, the principal earner does not have six quarters of earnings/training in a 13-quarter period within one year before the quarter of application (July-September).

As of October 1, 1984, he/she will have the required six quarters in the 13-quarter period ending immediately before the quarter of application.

OR

4132 By receiving, or being eligible to receive, unemployment insurance benefits within one year before application or transfer to federal AEC-U. The words "being eligible to receive," as used in this section mean that includes the following:

(a) The parent principal earner would have been eligible to receive unemployment compensation upon filing an application for unemployment compensation.

(1) The following criteria may be used to determine if the principal earner "would have been eligible to receive unemployment compensation:"

(A) The person shall not have left the prior employment for any of the following reasons:

(1) By voluntarily quitting.

(2) By voluntarily leaving without good cause as a result of misconduct.

(3) By leaving employment as a result of a trade dispute.

(B) The person shall have adequate earnings to qualify for UIB in the base period. The base period is as follows:

(1) For benefit years beginning in November, December, or January; the four calendar quarters ending in the nearest preceding month of June.

(2) For benefit years beginning in February, March, or April; the four calendar quarters ending in the nearest preceding month of September.

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(3) For benefit years beginning in May, June, or July, the four calendar quarters ending in the nearest preceding month of December.

(4) For benefit years beginning in August, September, or October, the four calendar quarters ended with the nearest preceding month of March.

(C) Adequate earnings are (as of 1985)

(1) Has earned wages of not less than twenty dollars (\$20) in each of eight or more calendar weeks, and been paid wages of not less than nine hundred dollars (\$900); or

(2) Has been paid wages of not less than one thousand two hundred dollars (\$1,200).

OR

.414b The parent principal earner performed work not covered by Unemployment Compensation Law and such work, if it had been covered, would (together with any covered work he/she performed) have made him/her eligible to receive unemployment compensation upon filing application for unemployment compensation.

.4332 The date of application for determining federal eligibility is either: the date of application for federal AFDC benefits on the basis of unemployment of the principal earner parent; or the date of a status change when a family's circumstances have changed in such a way (e.g., a parent returns to the home, a parent is no longer incapacitated, or the principal earner parent acquires sufficient quarters) as to meet the

federal requirements for deprivation due to unemployment of the principal earner parent. The quarter in which application or a transfer to federal AFDC-U is made or status change occurs shall not be counted as one of 13 calendar quarters.

.4343 If an applicant cannot establish a connection with the labor force by receiving or being eligible to receive UIB (see Section 41-440.432), the applicant's sworn statement, signed under penalty of perjury, will shall be sufficient verification unless there is contrary evidence for the earnings information or training program participation in training programs listed required in Section 41-440.4311. (See Section 40-157.)

.434 If the applicant meets all the requirements of Section 41-440 except .4322 and/or .461, the family shall be aided under the Emergency Assistance Program in accordance with the provisions and limitations of Chapter 41-500 and/or State-only AFDC-U Program in accordance with the provisions and limitations of Chapter 41-600.

.44 The principal earner who is apparently eligible for UIB (see Section 44-103.115(a)), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EAB by the county welfare department. When the principal earner does not meet this requirement, Federal AFDC-U deprivation does not exist for the family (see Section 44-206.25). See Section 44-103 for the requirements for pursuing UIB as potential income for principal earners who are not exempt from WIN registration.

.45 The principal earner shall have been unemployed for at least 30 consecutive calendar days.

.46 He/she is not unemployed as a result of his/her participation in a strike as defined in Section 44-206.22.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201, 11250.5, and 11315, Welfare and Institutions Code; and 45 CFR 233.100 (a) (1) (ii) (B), 45 CFR 233.100(a)(1). (a)(1)(iv),



(b)(3)(iii), (b)(3)(iv), (b)(3)(v), and (c)  
(1)(iv).

Repeal WPP Section 41-440.5 to read:

41-440 FEDERAL AFDC-UI: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.5 Acceptable Evidence for Documenting the Unemployment of a Parent

.51 The following are examples of evidence which may be used to support a determination of the unemployment of a parent:

.511 Statements from employers that indicate:

- a. The number of hours worked per month and per week or if the applicant is still employed the number of hours working per month and per week.
- b. The date and reason for leaving if applicant is no longer employed.
- c. Additional hours of work were not offered or available.

.512 A statement from the Employment Development Department which indicates the following:

- a. The date of referral of the applicant to a training program listed in Section 41-440.13 or the date of registration with EDD-WIN or EDD-ES.
- b. The amount of UIF received by the applicant for one year previous to date of application and the amount, if any, he/she is receiving on the date of application.

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Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

References: 45 CFR 233.20(a)(1) and 45 CFR 206.10(a)(8).

Adopt MPP Handbook Section 41-440.5 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.5 Acceptable Evidence for Documenting the Unemployment of a Principal Earner

.51 The following are examples of evidence which may be used to support a determination of the unemployment of a principal earner.

.511 Statements from employers that indicate:

- (a) The number of hours worked per month and per week, or if the applicant is still employed, the number of hours working per month or per week.
- (b) The date and reason for leaving if the applicant is no longer employed.
- (c) Additional hours of work were not offered or available.

.512 A statement from the Employment Development Department (EDD) which indicates the following:

- (a) The date of referral of the applicant to a training program listed in Section 41-440.1(d) or the date of registration with EDD-JS.
- (b) The amount of UIB received by the applicant for one year prior to the date of application, and the amount, if any, he/she is receiving on the date of application.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

References: 45 CFR 233.10(a)(1) and 45 CFR 206.10(a)(8).

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM (Continued) 41-440

• 7 Discontinuance Due to Employment

71 Aid shall be discontinued, effective at the end of the month in which a parent principal earner accepts an offer of employment that is expected to provide him/her with more hours of work than specified in Section 41-440.1 during the following month. If the county is unable to discontinue aid at the end of such month because the 10-day advance notice period has not yet expired requirement cannot be met, aid shall be discontinued effective the end of the following month (see Section 44-325.5). on the next installment delivery date. An overpayment exists in such month if the principal earner exceeds the 100 hour limit specified in Section 41-440.1 and the family continues to receive aid.

• 711 The notification at the time of discontinuance the recipient on the appropriate Notice of Action form shall be clearly indicate informed that:

a. that + The action is based on an the expectation that the parent principal earner will work more than such number of 100 hours in the next month, and

b. that the discontinuance will be withdrawn rescinded if the expectation in "a" above is incorrect or the parent submits information substantiating that less than such number of 100 hours were actually worked, that no offer of employment was refused without good cause, and that other conditions of eligibility for AFDC (including neediness) are met.

• 712 EXAMPLE:

A principal earner reports on his April monthly eligibility Report that he expected to work more than 100 hours in June. The April report was submitted to the county on May 21 and the county is unable to discontinue the case effective May 31st. The county sends the family a Notice of Action discontinuing the case effective June 30.

stopping the aid payment for the 15th of June and informing the family that they are being overpaid for the month of June in the amount of the June 1st check.

On June 10th the family informs the county that the principal earner is no longer employed as he has been laid off. He worked 60 hours in June. The family submits verification of the hours work and a layoff notice. The county then rescinds the notice of action and reinstates the family's assistance.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.10(a)(4)(i), 45 CFR 233.20(a)(12), 45 CFR 233.100(a)(1).

41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS  
WITH EDD-JS

41-441

.1 Referrals to EDD-JS

- .11 The remote principal earner and the nonexempt state-only principal earner shall register for EDD-JS as a condition of eligibility.
- .12 The AFDC-U parent is referred using a referral form.
- .13 Complete the referral form in triplicate, retain one copy and instruct the principal earner to take the form to the nearest EDD-JS office.
- .14 The parent will be registered by EDD-JS and given an identification card (DE 1275 or DE 1275V). The referral form will be completed by the EDD-JS worker and the principal earner instructed to mail or take one copy of the referral form back to the welfare department.
- .15 If the principal earner has completed a prior registration with EDD-JS, he/she must still be referred to EDD-JS. The referral is accomplished by completion of the referral form which the principal earner will take to the EDD-JS office. His/her DE 1275 or DE 1275V will be updated, the referral form completed and the principal earner instructed to mail or bring the referral form back to the welfare department.
- .16 The completed referral form is to be retained in the case record as documentation of the registration.

.2 Communications From EDD-JS

- .21 EDD-JS will notify the county welfare department when the principal earner:
  - .211 Refuses an offer of employment;
  - .212 Fails to appear for an interview with an employer;
  - .213 Fails or refuses to respond to EDD call-in;
  - .214 Refuses a referral to an interview with an employer;

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.215 Fails to maintain current registration.

.3 County Welfare Department Actions on the Communications  
Regarding EDD-JS registered Principal Earners

Notes: Section 41-441.3e (et seq.) provisions do not apply to refusals, quits or terminations of state seasonal employment made available under the "AR 1531 Demonstration Project." See Section 42-710.

.31 Refusal of an offer of employment:

When the CWD is notified that the individual has refused an offer of employment, the IMU must make a cause determination as outlined in Section 41-442.11. If the refusal was without good cause, the penalties in Section 41-442.2 will apply.

.32 Failure to maintain current registration:

.321 The principal earner is required to maintain current registration through regular contacts as required by EDD-JS. This contact period required by EDD-JS varies from one contact every 30 days to not less than one contact every 90 days depending on local employment conditions. In no event will the principal earner be required to report more or less frequently than is required by EDD-JS standards for all EDD-JS registrants in that local community.

.322 The requirement of the principal earner to maintain current registration is an absolute requirement. A good cause determination is not made.

.323 Eligibility is reestablished when the principal earner reregisters.

.33 When an principal earner fails to appear for an interview with an employer, fails or refuses to respond to EDD-JS call-in, or refuses a referral to an interview with an employer, EDD will notify the county welfare department.

The IMU must determine whether the principal earner had good cause for the refusal or failure to appear using the criteria under Section 41-442.13.

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Authority Cited: Welfare and Institutions Code Sections 10043  
and 10554.

Reference: 45 CFR 232.100(a)(5)(i) and Welfare and  
Institutions Code Section 11201.

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41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATION WITH 41-441  
EDD-JS FOR FEDERAL AND NONFEDERAL APPLICANTS/  
RECIPIENTS

.1 Referrals to EDD-JS

- .11 All federal principal earners, not required to register for WIN Demo or GAIN, shall register for EDD-JS as a condition of eligibility unless exempt from WIN Demo/GAIN under Section 42-630. Principal earners who are exempt from WIN Demo/GAIN registration because of remoteness (Section 42-635) and principal earners who are receiving State-only AFDC-U are required to be registered with EDD-JS.
- .12 The county should complete the referral form in triplicate, retain one copy, and instruct the principal earner to take the form to the nearest EDD-JS office.
- .13 The principal earner will be registered by EDD-JS and given an identification card (DE 1275 or DE 1275V). The form will be completed by the EDD-JS worker and the principal earner will be instructed to mail or take one copy of the referral form back to the welfare department.
- .14 If the principal earner has completed a prior registration with EDD-JS, he/she must still be referred to EDD-JS. The referral is accomplished by completion of the referral form which the principal earner will take to the EDD-JS office. His/her DE 1275 or DE 1275V will be updated by EDD-JS, the referral form completed, and the principal earner instructed to mail or bring the referral form back to the welfare department.
- .15 The completed referral form is to be retained in the case record as documentation of the registration.
- .16 A principal earner sanctioned by WIN or GAIN is not required to register with EDD-JS. A referral under this section is not required. See Section 42-691 for the procedures that apply.

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Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and  
Institutions Code.

41-442 CAUSE DETERMINATIONS AND PENALTIES

41-442

.1 Cause Determinations

Note: Section 41-442.1 (et seq) provisions do not apply to refusals, quits or terminations of state seasonal employment made available under the "AB 1531 Demonstration Project." See Section 42-710.

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.11 When there is an offer of employment:

.111 Using the criteria found in Section 41-442.112, the IMU makes a cause determination when the AFDC-U parent is:

- (a) An applicant who refuses a bona fide offer of employment or employment related training within the 30 days prior to the beginning date of aid (see Section 41-440.22).
- (b) An applicant who quits a job or employment related training within 30 days prior to the beginning date of aid (see Section 41-440.21).
- (c) A non-WIN AFDC-U parent recipient who refuses a bona fide offer of employment or employment related training (see Section 41-440.252a).
- (d) A non-WIN AFDC-U parent recipient who quits employment (see Section 41-440.252b).

.112 The IMU must include the following determinations in considering whether good cause exists:

- (a) There must be a determination that an offer of employment or training was made to the individual.
- (b) There must be a determination that the individual refused to accept the bona fide offer of employment or training or failed to begin the employment or training as planned, or that the individual quit employment or training.

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- (c) The individual must be given an opportunity to explain why the offer was not accepted or the employment or training discontinued.

.113 Good cause exists when:

- (a) The offer of employment was from an employer who did not:
- (1) Possess an appropriate license to engage in his business; or
  - (2) Withhold or hold in trust the employee contributions required by Part 2 of Division 1 of the UI Code Section 2601 et. seq. for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Social Services as required by Section 286 of the UI Code; or
  - (3) Carry either worker's compensation insurance or possess a certificate of self-insurance as required by Division 4 of the Labor Code (Section 3201 et. seq.).
- (b) The employment or training violated applicable health and safety laws and regulations.
- (c) The wage offered for the employment or training was less than the applicable state or federal minimum wage or was lower than the customary wage in the community for that particular employment or training as set by EDC, whichever is higher.
- (d) The wage, minus applicable earned income disregards specified in Section 44-113.21, is less than the AFDC grant the family would otherwise receive.
- (e) The acceptance of employment would preclude completion of a job training or educational program which meets the requirements of Section 41-440.252(c).

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- (f) The offer was for new employment which was available due directly to a bona fide strike or lockout.
  - (g) The employment or training was in excess of the individual's mental or physical capacity.
  - (h) The individual was ill or required to care for an ill member of the immediate family and no other care arrangements were feasible.
  - (i) Child care arrangements could not be made.
  - (j) The individual was without a means of getting to or from the place of employment or training.
- .12 For the WIN Demo or GAIN principal earner, all cause determinations shall be made in accordance with Section 42-688 or Section 42-781 as appropriate.
- .13 Cause Determinations in All Other Situations
- .131 Using the criteria found in Section 41-442.133, the IMU makes a cause determination when the non-WIN AFDC-U parent:
- (a) Fails to appear for interviews with employers arranged by EDD-ES.
  - (b) Fails to report to EDD-ES when called in by EDD-ES.
  - (c) Refuses to accept referrals to interviews arranged by EDD-ES.
  - (d) Quits or fails to participate in an employment related training program which meets the requirements of Section 41-440.252(c).
- .132 The applicant must be given an opportunity to explain why he/she failed to participate in a training program or to report as required.
- .133 Good cause exists if the individual establishes that:

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- (a) He/she was employed in bona fide employment more than 20 hours during that week, had a definite offer of full-time employment, or had a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days of the failure to report to EDD.
- (b) He/she was participating in an employment related training program which meets the requirements of Section 41-440.752(c).
- (c) He/she was prevented from participating or reporting due to physical or mental incapacity.
- (d) He/she was ill or required to care for an ill member of the immediate family and no other care arrangements were feasible.
- (e) Child care arrangements could not be made.
- (f) He/she was without transportation due to circumstances beyond his/her control and was without other means of transportation.
- (g) He/she had other substantial and compelling reasons for failure to report or participate as required.

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## .2 Penalties

Note: Section 41-442.222, .24, and .25 provisions do not apply to refusals, quits or terminations of state seasonal employment made available under the "AB 1531 Demonstration Project." See Section 42-710.

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.21 AFDC-U parent applicants who refuse to register for WIN or EDD (Section 41-440.24): The family shall be ineligible for AFDC benefits until the AFDC-U parent has registered for WIN when such registration is required, or until registration with EDD-FS when registration for WIN is not appropriate.

## .22 Non-Win Applicants

The provisions of .221 and .222 apply to all non-WIN AFDC-U parent applicants unless he/she has been discontinued under .25, in which case the provisions of that section apply.

.221 Non-WIN AFDC-U parent applicants who refuse to accept a bona fide offer of employment or training without good cause (Section 41-440.22): The family shall be ineligible for AFDC benefits for 30 days from the date of refusal without good cause.

.222 The non-WIN AFDC-U parent applicants who quit a job without good cause (Section 41-440.23): The family is ineligible for 30 days from the date of the job quit.

.23 WIN Applicants

The provisions under Section 41-442.22 apply if an offer of employment is refused or a job is quit prior to registration for WIN. After registration for WIN, the penalties under Section 41-442.24 are applied.

.24 Penalties-WIN Registered Parents

.241 The penalties under Section 41-442.22 apply to a WIN parent who refuses employment or quits a job prior to WIN registration.

.242 Has been deleted per MR 79-5.

.243 When the AFDC-U parent is deregistered from WIN for failure or refusal to appear for appraisal without good cause. Upon receipt of the deregistration notification from the WIN sponsor, aid shall be discontinued in accordance with Section 42-691.23.

.244 When the AFDC-U parent is deregistered from WIN after certification for refusal to cooperate with WIN: Upon receipt of the deregistration notification from the WIN sponsor, aid to the entire family shall be discontinued in accordance with Section 42-691.313(d).

.25 All Other Penalties

.251 The family of the AFDC-U parent shall be ineligible for 30 days following the effective date of discontinuance when the non-WIN AFDC-U parent recipient:

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- (a) Fails or refuses to accept a bona fide offer of employment without good cause (Section 41-440.252a).
- (b) Quits employment without good cause (Section 41-440.252b).
- (c) Fails to appear for interviews with an employer arranged by EDD-ES.
- (d) Fails to report to EDD-ES when called in by EDD-ES.
- (e) Fails to accept referrals to employment interviews by EDD-ES.
- (f) Fails to participate in an employment related training program without good cause (Section 41-440.252(c)).

.252 The FW shall:

- (a) Discontinue the family at the end of the month in which the 10-day notice expires;
- (b) If the proposed action is appealed by the recipient, the termination shall be effective upon receipt of the Fair Hearing decision upholding the proposed discontinuance;
- (c) Inform the AFDC-U parent that he/she may request restoration to be effective at the expiration of the 30 days.

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Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR 233.100(a)(3)(iii) and 45 CFR 233.100(c)(2)(ii) and Welfare and Institutions Code Section 11201.



Amend MPP Section 41-500.4 to read:

41-500 EMERGENCY ASSISTANCE - UNEMPLOYED PARENT PROGRAM 41-500  
(Continued)

.4 Eligibility

- .41 A family shall be eligible for the EA-UP Program assistance if all the requirements of EAS Section 41-440, except ~~43~~ 41-440.22 and/or ~~46~~ 41-440.4, are met, and the family is otherwise eligible for AFDC.
- .42 EA-UP benefits cannot be paid to a pregnant woman, one person assistance unit, or to cover the pregnancy special need payment under Sections 44-205 and 44-211.4.
- .43 For purposes limited to the EA-UP program, "family" is defined as:
  - (a) The needy child(ren) deprived because of the unemployment of his/her parents, and
  - (b) The parent(s) living in the home who does not meet the requirements for federal AFDC-U, and
  - (c) Other eligible persons aided with the child(ren) during the same 30-day eligibility period. (See Section 44-203 for eligible person.)

Authority Cited: Section 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11000, 11201, 11250.5, 11315, and 11450, Welfare and Institutions Code; and 45 CFR 233.120(a) and (b)(1).

Adopt MPP Chapter 41-600 Title and Handbook Introduction to Section 41-600 to read:

41-600 STATE-ONLY AFDC-U PROGRAM

41-600

The State-only AFDC-U Program is not a component of the federal AFDC program. This program is a state and county funded program to provide aid for those needy families in which both parents are unemployed and neither parent qualifies the family for federal AFDC-U.

The Department of Social Services and the counties have been enjoined by the Shaw v. McMahon court order from applying EAS Section 44-207.4, the federal lump sum rule, to the State-only AFDC Program, including single and two parent households. Counties are required to inform all recipients of lump sum income, at the time they are notified of a period of ineligibility for federal AFDC, that they may be eligible for three months of State-only AFDC-U after they have spent their lump sum to below the AFDC resource level.

The Department of Social Services and the counties have been enjoined by the Reyna v. McMahon court order from limiting eligibility to State-only AFDC-U benefits to only families in which both parents live in the home.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.

Adopt MDP Section 41-601 to read:

41-601      GENERAL POLICY

41-601

The State-only AFDC-U Program shall be administered according to the policies and regulations of the federal AFDC Program except as specified in this chapter.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.

Adopt MPP Section 41-602 to read:

41-602      DEFINITIONS SPECIFIC TO THE STATE-ONLY AFDC-U  
PROGRAM

41-602

- .1    Unemployed: (See Section 41-440.1(a))
- .2    "Month" is defined as a period of time which begins on any calendar day of a month and ends on the day prior to the corresponding calendar day in the next calendar month.
- .3    "Calendar month" is defined as the first day through the last day of one of the 12 divisions of a calendar year.
- .4    A "family" is defined as a needy child(ren) deprived because of the unemployment of his/her parents living in the home and any other eligible individual aided with the child(ren) during his/her eligible period.
- .5    A "pregnant woman" is defined as follows:
  - .51    A woman aided in a one-person assistance unit, and
  - .52    A woman whose unborn child if born and living with her would be eligible to receive State-only AFDC-U.
- .6    The principal earner is:
  - .61    The natural or adoptive parent who has the greater amount of earnings in the last 24 months; or
  - .62    Designated by the family when both parents have the same amount of earnings or no earnings; or
  - .63    Designated by the county if the family fails to designate the principal earner. The county shall determine the principal earner as follows:
    - .631    The principal earner shall be that parent who has the most potential for establishing a connection with the labor force or who has work or training experience which is applicable towards acquiring a connection with the labor force, as specified in Section 41-440.4; or
    - .632    The principal earner shall be whichever parent the county designates, if neither parent has any work or training experience which is applicable towards

acquiring the connection with the labor force as specified in Section 41-440.4.

.633 The principal earner shall remain the principal earner once the determination has been made unless the other parent meets the definition of principal earner in accordance with Section 41-440.411 and qualifies for federal AFDC-U in accordance with Section 41-440.4.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.

Adopt MDP Section 41-603 to read:

41-603 DEPRIVATION FOR STATE-ONLY AFDC-U PROGRAM BENEFITS 41-603

- .1 The family of an unemployed parent as specified in Section 41-440.1(a), may be eligible for benefits under the State-only AFDC-U Program if the county determines that:
- .11 Both parents in the home are unemployed, and
  - .12 Neither parent can meet the requirements for federal AFDC-U specified under Section 41-440, and
  - .13 Deprivation is due to the unemployment of the principal earner.

The court orders in Reyna v. McMahon and Shaw v. McMahon provide that State-only AFDC-U parent deprivation may exist for single parent families in cases where the caretaker relative is on strike or the family is in a lump-sum period of ineligibility. Section 41-603.12 does not apply to those families receiving aid under these court orders.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.

Adopt MPO Section 41-604 to read:

41-604      EMPLOYMENT DEVELOPMENT DEPARTMENT JOB SERVICES      41-604  
(EDD-JS) REGISTRATION REQUIREMENT

- 1 The work registration requirement is found in Welfare and Institutions Code Section 11201 which requires that:

- .11 The principal earner, who is not ill (as defined in  
Section 42-633), incapacitated (as defined in Section  
42-635), or over age 65, shall register for employment  
and cooperate with EDD (see Section 41-441 for  
procedures), and shall either:

- 111 be available for and seeking employment, or
- 112 be accepted for or participating in a training  
program approved by OSS which is essential for  
future support.

- 2 This requirement is met as follows:

- .21    Accepting a bona fide offer of employment.
- .22    Continuing existing part-time employment.
- .23    Participating in employment related training approved or provided by EDD.
- .24    Appearing for interviews arranged by EDD-JS with an employer.
- .25    Reporting to EDD-JS when called in by EDD-JS.

- 3 No other nonfederally eligible individuals in the State-only AFDC-U assistance unit are required to register with EDD-JS.
- 4 Failure of the principal earner, who is required to register with EDD-JS, to meet the requirements of this Section shall result in ineligibility for the family.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

References: Sections 11201 and 11315, Welfare and Institutions Code.

Adopt MPP Section 41-605 to read:

41-605 REFUSAL OF JOB OFFER

41-605

- .1 Within 30 days before the beginning date of aid, the applicant principal earner for State-only AFDC-U, shall not have:
  - .11 refused a bona fide offer of employment without good cause, or
  - .12 refused an offer for additional employment without good cause when he/she is employed part-time, or
  - .13 terminated his/her employment without good cause.
- .2 The family of the applicant principal earner who does not meet the requirement of Section 41-605.1 shall be ineligible for 30 days from the date of the refusal or termination.
- .3 Principal earners who are currently receiving State-only AFDC-U shall not:
  - .31 refuse a bona fide offer of employment without good cause, or
  - .32 refuse an offer of additional employment without good cause when he/she is employed part-time, or
  - .33 terminate his/her employment even if less than 100 hours a month without good cause.
- .4 The family that is currently receiving State-only AFDC-U shall be ineligible for 30 days beginning the first of the month following the month when the principal earner does not meet the requirements of Section 41-605.3.
- .5 Good cause shall be determined by the county welfare department using the WIN good cause criteria in accordance with Section 42-698.3.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.



Adopt MPP Section 41-606 to read:

41-606 UNEMPLOYMENT INSURANCE BENEFITS (UIB) REQUIREMENT 41-606

- .1 The principal earner, who is apparently eligible for UIB, shall apply for, meet all conditions of eligibility for, and accept any UIB to which EDD determines he/she may be eligible.
  - .11 See Section 44-103.115(a) for the listing of the principal earners who are not apparently eligible for UIB and are not required to apply for UIB.
  - .12 See Section 44-103.24 for the definition of "meet all conditions of eligibility for" UIB.
- .2 Failure of such a principal earner to apply for UIB, meet all conditions of eligibility for UIB, and accept UIB shall result in ineligibility of the family for State-only AFDC-U benefits.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.

Adopt Section 41-607 to read:

41-607 TIME LIMITATION TO STATE-ONLY AFDC-U ELIGIBILITY 41-607

- .1 Eligibility for State-only AFDC-U Program benefits shall not exceed three months in any 12-consecutive-month period, except for those families who receive EA-UP benefits (see Section 41-500). If a family receive EA-UP, eligibility under this State-only AFDC-U shall be limited to two months.
- .11 When a family is eligible for EA-UP assistance, State-only AFDC-U assistance shall be paid only after EA-UP eligibility has expired.

Note: The three-month limit to State-only AFDC-U program benefits does not apply to those families who are receiving State AFDC under Darces v. Woods or Simon v. McMahon cases; or receiving State AFDC as a result of an uncollectable technical overpayment. (See Section 44-350.)

- .2 Eligibility for State-only AFDC-U program benefits for a pregnant woman in a one-person assistance unit shall not exceed three months in any 12-consecutive-month period. (See Section 41-608.13.)
- .3 If a family's State-only AFDC-U assistance is discontinued prior to the expiration of the eligibility period, assistance may be restored later for the remaining portion of the eligibility period during that 12-consecutive-month period.
- .4 Eligibility for State-only AFDC-U assistance does not exist during the ineligible period for an otherwise eligible person whose needs were not considered for State-only AFDC-U during the family's eligible period.

.41 EXAMPLE:

A family consisting of father, mother, and two children receives EA-UP and State-only AFDC-U for June, July, and August. 1) A third child returns to the home on July 15th. That child is only eligible to receive aid from July 15th through August 31. 2) A fourth child returns to the home after August 31, no eligibility exists for EA-UP or State-only AFDC-U until the following June.

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Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 11201 and 11315, Welfare and  
Institutions Code.

Adopt Section 41-608 to read:

41-608 THE 12-CONSECUTIVE-MONTH PERIOD FOR STATE-ONLY AFDC-U 41-608

- .1 The 12-consecutive-month period shall be established as follows:
  - .11 The 12-consecutive-month cycle for a family begins on the beginning date of aid for EA-UP and ends on the day before the corresponding date one calendar year later.
  - .12 The 12-consecutive-month cycle for families that do not receive EA-UP, the 12-consecutive-month cycle begins on the beginning date of aid for State-only AFDC-U and ends on the day before the corresponding date one calendar year later.
  - .13 The 12-consecutive-month cycle for a pregnant woman in a one-person assistance unit begins on the beginning date of aid for State-only AFDC-U assistance and ends on the day before the corresponding date one calendar year later.
  - .14 A woman shall be eligible to receive State-only AFDC-U twice in a 12-month cycle when:
    - .141 She receives State-only AFDC-U as a pregnant woman in a one-person assistance unit, and
    - .142 She receives State-only AFDC-U as a member of a family.

EXAMPLE:

A pregnant woman in a one-person assistance unit receives State-only AFDC-U for August, September, and October. The child is born in December and the family applies for State-only AFDC-U. The aid is granted January 1 and the family receives EA-UP and State-only AFDC-U for January, February and March.

The 12-consecutive-month period for the pregnant woman begins on August 1 and ends on July 31 of the following year.

The 12-consecutive-month period for the family, including the mother of the child who received State-only AFDC-U as a pregnant woman in August,

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September and October, begins on January 1 and ends on  
December 31st of that year.

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Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 11201 and 11315, Welfare and  
Institutions Code.

Adopt MPP Section 41-609 to read:

41-609 DISCONTINUANCE AND NOTICE OF ACTION REQUIREMENTS 41-609

- .1 Aid to the family shall be discontinued effective on the date of expiration of the eligibility period. The eligibility period may expire on any date up to and including the last day of a calendar month.
- .2 At the time aid is approved, a family shall be informed in writing that:
  - .21 The eligibility period for State-only AFDC-U is time limited; and,
  - .22 Aid payments shall terminate at the end of the specified period; and,
  - .23 If the family disagrees with the proposed action, the family has the right to request a state hearing.
- .3 Aid under this Section shall not be paid to a family that has requested a state hearing, but whose time-limited eligibility period has expired. (See Section 22-022 for state hearing requirements.)

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code; and Moreno v. Prod., Alameda County #H98428-6.

Adopt Chapter title and definition to read:

41-700 MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

41-700

.1 Definitions

State-only Assistance -

Assistance payments available to families who are ineligible for federal AFDC or would have income computed against the grant under a federal program which cannot be so computed under state law (including court orders).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Reyna v. McMahon, A024677 (Sup. Ct. No 812764).

Amend Section 42-688.2 to read:

42-688 CAUSE DETERMINATIONS AND CONCILIATION (Continued) 42-688

.2 Noncooperative Actions (Continued)

.23 The recipient principal earner who is a mandatory WIN Demo registrant shall not fail or refuse, without good cause, to participate in the WIN Demo program as required. Also, the recipient principal earner shall not, without good cause:

.231 Terminate existing employment.

.232 Refuse employment.

.233 Reduce existing earnings.

.234 (Continued)

.2341 (Continued)

.2342 (Continued)

.2343 (Continued)

.2344 (Continued)

.2345 (Continued)

.2346 (Continued)

.2347 (Continued)

.2348 (Continued)

.2349 (Continued)

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11315, Welfare and Institutions Code and 45 CFR 224.51(a).



Amend Handbook, Section 42-910.2 to read:

42-910 PARTICIPATION IN STATE SEASONAL EMPLOYMENT UNDER 42-910  
ASSEMBLY BILL 1531 (AB 1531) (Continued)

.2 Waiver of Penalties

.21 (Continued)

.22 In accordance with an Executive Order, signed by the Director of the Department of Social Services on March 28, 1984, the following regulation sections shall not apply with respect to job opportunities made available under this project:

.221 For job refusals, Sections 41-440.226, 41-605, 41-441.3, 41-442.11, 41-442.13, 41-442.24, 41-442.25, 42-691, and 44-113.217 are to be waived. AFDC-U principal earner parents and AFDC-FG recipients who refuse seasonal jobs offered under this project will continue to be eligible for assistance. Earned income disregards will continue to be applied.

.222 For job quits or terminations, Sections 41-440.212, 42-605, 41-442.13, 41-442.222, 41-442.24, 41-442.25, 42-691, and 44-113.217 are to be waived.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.

Amend Section 44-103.117(d) and (e) to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME  
VERIFICATION

44-103

.1 (Continued)

.11 (Continued)

.117 (Continued)

(d) If the individual is a State-only AFDC-U principal earner (see Sections ~~41-400.12(j)~~ 602.6 and 44-206.26); or

(e) If the individual is a federally eligible AFDC-U principal earner (see Sections 41-440.451(d) and 44.206.25).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11270, Welfare and Institutions Code; and 45 CFR 233.100(a)(3)(vi).

Amend Section 44-111.232(e) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111  
AS INCOME (Continued)

.2 Exemption of Earned Income (Continued)

.23 (Continued)

.232 The \$30 and ~~1/3~~ one-third disregard shall not be applied when: (Continued)

(e) The recipient terminated employment, reduced earned income or refused employment without good cause within the budget period or the 30 days immediately prior to the budget period. Good cause shall be evaluated using the standards defined in Section ~~41-442.113~~ 42-688.3. The \$30 and ~~1/3~~ one-third disregard is considered to have been applied for purposes of computing the four consecutive months in .232(b) above.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11008, Welfare and Institutions Code; and 45 CFR 233.20(a)(11)(iii)(C) and (D).

Amend Section 44-203.12 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS 44-203

.1 Eligible Children (Continued)

.11 (Continued)

- .12 An eligible child who is also the an unemployed parent principal earner for purposes of receiving aid for his or her own child must meet the requirements of EAS Chapter Section 41-440 or Chapter 41-600, as appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11201, Welfare and Institutions Code; and 45 CFR 233.100.

Amend Section 44-203.312(a) to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FRU - DEFINITIONS 44-203  
(Continued)

.3 Other Relatives Living in the Home of an Eligible Child

.31 Other relatives include:

.311 Second married or unmarried parent (natural or adoptive).

.312 Stepparents who are:

a. unemployed (see Section 41-440.1a) for definition of unemployment)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.100.

Amend Section 44-205.513(a) to read:

44-205 ESTABLISHING THE FBU (Continued)

44-205

.5 Persons Who May be Included in the FBU (Continued)

.51 (Continued)

.513 Stepparents who are:

(a) unemployed (see Section 41-440.1a for definition of unemployment).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11203 Welfare and Institutions Code; and 45 CFR 233.100.

Amend MPP Section 44-205.63 to read

44-205 ESTABLISHING THE FBU (Continued)

44-205

.6 Aid Based on Pregnancy (Continued)

- .63 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". See Section 40-103.5 and for an exception, see Section 41-603. In addition to the pregnant woman, the family includes the following: (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11315 and 11450(b)(i)(C), Welfare and Institutions Code.

Amend Section 44-205.644 to read:

44-205 ESTABLISHING THE FBU (Continued)

44-205

.6 (Continued)

.64 An FBU of one without an eligible child may be established for a pregnant woman who meets all of the following conditions: (Continued)

.644 When the deprivation of the pregnant woman one-person FBU is State-only AFDC-U, the limitations in EAS Section Chapter 41-440-125 600 applies.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11201 and 11315, Welfare and Institutions Code.



Repeal MPD Section 44-205.72

44-205 ESTABLISHING THE FBU (Continued)

44-205

.7 Separate FBU (Continued)

- .72 When an FBU is ineligible as a result of having received three months of State-only AFDC-Y program benefits in a 12 consecutive month period, a separate FBU may be established for an otherwise eligible person(s) in the home whose needs have not been considered for the State-only AFDC-Y program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11315, Welfare and Institutions Code.

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Office of Administrative Law

For use of Office of Adm Law

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CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4/12/88

RDB #1087-48

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In this office of the Secretary of State  
of the State of California

MAY 05 1988

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By [Signature]  
Deputy Secretary of State

For use by Secretary of State only

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☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction  
(Complete Part 4 below)
3. a. Specify California Administrative Code title and sections as follows:  
Title MPP  
SECTIONS ADOPTED:  
Section 63-076, Manual of Policies and Procedures  
SECTIONS AMENDED:  
Sections 63-501.3(k), 63-501.3(n), 63-502.13, and 63-502.2.  
SECTIONS REPEALED:  
b. The following sections listed in 3a contain modifications to the text originally made available to the public: None
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☒ prior to the emergency adoption  
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?  
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?  
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: \_\_\_\_\_
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)  
☐ Fair Political Practices Commission (Include FPCC approval stamp) ☐ Building Standards Commission (Attach approval)  
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER  
December 4, 1987  
b. DATE OF FINAL AGENCY ACTION  
April 12, 1988  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))  
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.  
e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(ii)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
  - e. If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in dark ink, appearing to read "L. S. McMahon", written in a cursive style.

LINDA S. McMAHON  
Director

Adopt Section 63-076 to read:

63-076 IMPLEMENTATION OF INCOME AND RESOURCE ELIGIBILITY 63-076  
REQUIREMENTS

- 1 The amended provisions in Section 63-076.2 shall be implemented as follows:
  - 11 Effective December 1, 1987, the CWDs shall implement the amended provisions for all new food stamp applications and continuing cases.
  - 12 In accordance with 7 CFR 272.1(g)(90), benefits shall be restored to entitled households upon request by the household, or when the CWD otherwise becomes aware that benefits should be restored. Restored benefits are to be provided back to the date of application or April 1, 1987, whichever occurred later.
- 2 The sections affected by these revisions are as follows: Sections 63-501.3(k)(123); 63-501.3(n); 63-502.135; and 63-502.2(k)(3).

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Sections 18901 and 18902, Welfare and Institutions Code and 7 CFR 272.1(g)(90).

Amend Section 63-501.3(k) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

•3 Exclusions from Resources (Continued)

(k) (Continued)

(1) (Continued)

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) (Continued)

(6) (Continued)

(7) (Continued)

(8) (Continued)

(9) (Continued)

(10) (Continued)

(11) (Continued)

(123) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under Sections 63-501.521(a), (b) or (e). Only that portion of real property determined necessary for maintenance or use is excludable under this provision.

HANDBOOK

For example, a household which owns a produce truck to earn its livelihood may be prohibited from parking the truck in a residential area. The household may own a 100-acre field and use a quarteracre of the field to park and/or service the truck. Only the value of the quarteracre would be excludable under this provision, not the entire 100-acre field.

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Sections 18901, Welfare and Institutions Code and 7 CFR 273.8(h)(1)(vi).

Amend Section 63-501.3 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources (Continued)

(l) (Continued)

(m) (Continued)

(n) Non-liquid asset(s) against which a lien has been placed as a result of taking out a business loan and the household is prohibited by the security or lien agreement with the lien holder (creditor) from selling the asset(s).

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.8(e)(15).



Amend Section 63-502.13 to read and renumber Section 63-502.135 to .136:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.1 Income Definition (Continued)

.13 Earned income shall include:

.131 (Continued)

.132 (Continued)

.133 (Continued)

.134 (Continued)

.135 Earnings of individuals who are participating in on-the-job training programs under the Job Training Partnership Act of 1982 (JTPA), except as specified in Section 63-502.2(k)(3)(A).

.1356 (Continued)

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.9(b)(1)(v).

Amend Section 63-502.2(k)(3) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

•2 Income Exclusions (Continued)

(j) (Continued)

(k) (Continued)

(1) (Continued)

(2) (Continued)

(3) Payments specified in Section 63-501.3(k) except for earnings to individuals participating in on-the-job training programs under the Job Training Partnership Act of 1982 (JTPA) as set forth in Section 63-501.3(k)(6).

(A) However, earnings of dependent household members under 19 years of age who are participating in on-the-job training under JTPA shall be excluded.

(1) For purposes of this provision, dependent means a child under 19 years of age who is under the parental control of an adult household member.

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.9(b)(1)(v).

**OFFICE OF ADMINISTRATIVE LAW  
CERTIFICATION  
OF  
APPROVAL**

**FILED**

In this office of the Secretary of State  
of the State of California

MAY 05 1988

At 3:56 o'clock P. M.  
MARCH LING EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

**Submitting Agency:** Department of Social Services

**OAL File No:** 88-0421-02

[Signature]  
for **LINDA STOCKDALE BREWER**  
**DIRECTOR**

5/5/88  
Date

STATE OF CALIFORNIA  
STD Form 400 (Rev. 8/85)(RDB #0986-43)  
(See Instructions on Reverse)

RECEIVED FOR FILING

988 APR 22 PM 4:11

OFFICE OF  
ADMINISTRATIVE LAWENDORSED  
APPROVED FOR FILING

MAY 23 1988

Office of Administrative Law

For use of Office of Adm Law

# NON SUBSTANTIVE

## FACE SHEET

### FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)



AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4/14/88

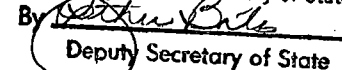
FILED

In this office of the Secretary of State  
of the State of California

MAY 23 1988

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By   
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
--	-------	-----------

Rosalie Clark	Chief, Regulations Development Bureau	445-0313
---------------	---------------------------------------	----------

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:  
44-115

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other \_\_\_\_\_ (SPECIFY AGENCY)

- | 8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER | b. DATE OF FINAL AGENCY ACTION | c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) |
|---|--------------------------------|---|
| Not Applicable  | APR 14 1988                    | Not Applicable  |

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

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- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
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- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

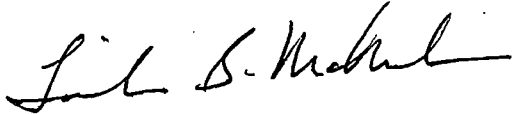
### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in dark ink, appearing to read "Linda S. McMahon". The signature is fluid and cursive, with a long horizontal stroke at the end.

LINDA S. McMAHON  
Director

Amend Section 44-115 to read:

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

.2 Nonneedy Relatives

.21 Evaluation of Income In Kind from Nonneedy Relatives  
Other Than Natural or Adoptive Parents

Income in kind will only be considered if the nonneedy relative chooses to make a voluntary contribution to the FBU. The county shall determine if the nonneedy relative wishes to contribute income in kind to the support of the child(ren) in his/her care. If he/she does so, the amount of a contribution actually received shall be determined in accordance with Section 44-115.83, In-Kind Income Values, and be considered net income to the FBU. (Continued)

.22 (Continued)

.3 In-Kind Income Values

.31 Provided that a lower value is not established in accordance with 832 below, the in-kind income amounts effective July 1, 1981 for housing utilities (including telephone, food and clothing, as adjusted for any increases or decreases in the cost of living specified in 8311, and published by the DSS, shall apply for those item(s) of need received in kind by the FBU. If a lower value is established in accordance with 832 below, such value shall apply for the appropriate item(s) of need received in kind by the FBU.

.311 (Continued)

.32 If the applicant or recipient does not agree with the value arrived at in 831 above, he/she may submit evidence of the value of the item which he/she received in kind. For housing and clothing, the in-kind income shall be the net market value (see Section 42-203.7) of the item received. For utilities and food, the in-kind income value shall be the cost to the person who paid for the item.

If the applicant or recipient presents satisfactory evidence that the value of the item received in kind is other than the value specified in 831 above, such evidence shall be used by the county in determining the

value of the item if it is to the recipient's financial advantage. Recipients who are having in-kind income deducted from their grants should be informed that this method of contesting the values established in .831 above exists.

•33 (Continued)

•331 (Continued)

•332 The in-kind income table value established in accordance with Section 44-115.8311 for the appropriate size FBU.

•333 Example: If an FBU of three shares free housing with another person, making a household of four, and the applicant or recipient presents satisfactory evidence that the net market value of the housing is \$120, the in-kind value of the housing is \$240, in this example, then the FBU's prorata share of this amount would be \$180 — however, if the in-kind income table value for housing was \$163\*, the \$163\* value would be used because the table values established in accordance with .8311 represent the maximum in-kind value that may be applied.

\*The amount \$163 is subject to change. Use the currently applicable amount established in accordance with 44-115.8311.



OFFICE OF ADMINISTRATIVE LAW  
CERTIFICATION  
OF  
APPROVAL

**FILED**  
In this office of the Secretary of State  
of the State of California

MAY 23 1988  
At 430 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0422-04

"Nonsubstantive"

[Signature]  
for LINDA STOCKDALE BREWER  
DIRECTOR

5/23/88  
Date

# NONSUBSTANTIVE

## FACE SHEET

88-0422-03 N  
OAL File No. 87-0116-3R  
(RDB #0685-35 editorial)

(See Instructions on Reverse)

RECEIVED FOR FILING

1988 APR 22 PM 4:16

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING

MAY 23 1988

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

*L. S. McArthur*  
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4/14/88

FILED

In this office of the Secretary of State  
of the State of California

MAY 23 1988

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By *D. B. Bates*  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark Chief, Regulations Development Bureau 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED:

84065

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

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- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

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7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other \_\_\_\_\_ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER Not Applicable	b. DATE OF FINAL AGENCY ACTION APR 14 1988	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
---	---	---

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s):
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
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  - If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON  
Director

Amend Section 84065 to read:

84065 PERSONNEL REQUIREMENTS

84065

(a) (continued)

(b) (continued)

(c) The licensee shall ensure provision of the services specified in Section 84065.1 (~~Ø~~ c) (1) through (4) by social work staff.

(d) (continued)

(1) (continued)

(2) (continued)

(A) (continued)

(1) (continued)

(B) Two years experience as the social work staff in a group home performing those duties as specified in Section 84065.1 (~~Ø~~ c)

(C) (continued)

(e) (continued)

(f) (continued)

(g) (continued)

(h) (continued)

(i) (continued)

(j) (continued)

(k) (continued)

OFFICE OF ADMINISTRATIVE LAW  
CERTIFICATION  
OF  
APPROVAL

FILED  
In this office of the Secretary of State  
of the State of California

MAY 23 1988

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0422-03

"Nonsubstantive"

[Signature]  
LINDA STOCKDALE BREWER  
DIRECTOR

5/23/88  
Date

RECEIVED FOR FILING

1988 APR 22 PM 4:18

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING

MAY 23 1988

Office of Administrative Law

# NON SUBSTANTIVE FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)  
*John S. Michael*  
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 4/14/88

**FILED**

In this office of the Secretary of State  
of the State of California

MAY 23 1988

At 4:30 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Brian Bates  
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)  
Rosalie Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:  
Title MPP  
SECTIONS ADOPTED:  
SECTIONS AMENDED:  
69-204.23, .24, and .25  
SECTIONS REPEALED:  
b. The following sections listed in 3a contain modifications to the text originally made available to the public:  
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☐ prior to the emergency adoption  
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.  
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?  
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:  
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?  
☒ No ☐ Yes, if yes, give date statement was submitted to OAL  
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)  
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)  
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)  
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER  
Not Applicable  
b. DATE OF FINAL AGENCY ACTION  
APR 14 1988  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))  
Not Applicable  
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s):  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.  
e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)



DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON  
Director

Renumber Sections 69-204.23, .24, and .25 to read:

69-204 RESETTLEMENT AGENCY, SPONSOR AND COUNTY RESPONSIBILITIES 69-204

.1 Resettlement Agency and Sponsor Responsibilities (Continued)

.2 County Responsibilities

When a refugee applies to a county for financial assistance, the procedures outlined below shall be followed:

.21 (Continued)

.22 (Continued)

.23 (Continued)

.~~23~~4 (Continued)

.~~24~~5 (Continued)

.~~25~~6 (Continued)

# OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

**FILED**

In this office of the Secretary of State  
of the State of California

MAY 23 1988

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

**Submitting Agency:** Department of Social Services

**DAL File No:** 88-0422-02

"Nonsubstantive"

[Signature]  
for **LINDA STOCKDALE BREWER**  
**DIRECTOR**

5/25/88  
Date

RECEIVED FOR FILING  
May 2  
1988 APR 30 AM 10:38

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING  
MAY 27 1988

For use of Office of Adm Law

**FACE SHEET**

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)  
*L. S. McHugh*

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 4/26/88

**FILED**

In the Office of the Secretary of State  
of the State of California

MAY 27 1988  
4:44 o'clock P.M.  
MARCH LONG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)  
Rosalie Clark, Chief Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:  
Title MPP  
SECTIONS ADOPTED: \_\_\_\_\_  
SECTIONS AMENDED: 30-132  
SECTIONS REPEALED: \_\_\_\_\_  
b. The following sections listed in 3a contain modifications to the text originally made available to the public: \_\_\_\_\_
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☐ prior to the emergency adoption  
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
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☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
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☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER  
January 29, 1988  
b. DATE OF FINAL AGENCY ACTION  
APR 26 1988  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))  
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_  
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  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
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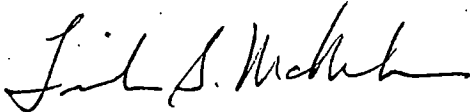
### FILING REQUIREMENTS

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- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in dark ink, appearing to read "Linda S. McMahon". The signature is fluid and cursive, with the first name "Linda" being more prominent.

LINDA S. MCMAHON  
Director

RDB #1287-56

CERTIFICATE OF COMPLIANCE -- Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following regulations which were filed with the Secretary of State on December 29, 1987, and which became effective on January 1, 1988.

Manual of Policies and Procedures, Division 30, Chapter(s) 30-100, Sections:

Amended

Adopted

Repealed

30-132

  
\_\_\_\_\_  
LINDA S. McMAHON  
Director

4/26/88  
\_\_\_\_\_  
Date

Amend MPP Section 30-132 to read:

30-132 RESPONSE TO REFERRALS

30-132

•1 The county welfare department shall respond to the following:

•11 All law enforcement agency referrals.

•12 Any other referrals for service which allege that a child is endangered by abuse, neglect or exploitation.

•2 Emergency response staff shall immediately assess all referrals to determine whether an in-person response is required.

•~~321~~ An in-person response shall be made immediately under either of the following circumstances:

•~~2131~~ A law enforcement agency refers a minor child who is at immediate risk of abuse, neglect or exploitation.

•~~2132~~ The referral indicates the existence of a situation which is likely to imminently cause physical pain, injury, disability, severe emotional harm or death to a child.

•~~212~~ The decision whether or not to make an in-person response for all other referrals shall be based on an assessment which shall include collateral contacts, a review of previous referrals and other relevant information to the extent such information or measures are necessary to conduct an assessment.

•~~221~~ This assessment shall include, but not be limited to, consideration of the following factors:

(a) The information provided in the referral describes a situation as defined in 30-002(a) abuse, (i) exploitation, or and (s) neglect.

(b) When the alleged incident of abuse, neglect or exploitation occurred.

(c) Credibility of reporter.

(d) Relationship and access of alleged perpetrator to the child.



(e) History and disposition of prior referrals.

•43 Upon the county welfare department's receipt of a referral that is assessed to require an immediate in-person response, a social worker skilled in emergency response shall have immediate in-person contact with all children and available parent(s)/guardian(s) in situations requiring immediate response.

•341 If all of the following circumstances exist and are documented in the Emergency Response, In-Person Response Case, the decision to contact any additional children in the family who are not present at the time of the initial response shall be at the discretion of the county welfare department:

•3411 The county welfare department emergency response social worker has had in-person contact with the child(ren) alleged to be abused, neglected, or exploited and all other children present at the time of the social worker's response.

•3412 The county welfare department emergency response social worker has had in-person contact with the parent(s)/guardian(s) available at the time of the response.

•3413 The county welfare department social worker has made the necessary collateral contacts with persons having knowledge of the condition of the children.

•54 All other in-person responses shall be made within ten calendar days.

•65 No response is required to a cross-report from a law enforcement agency if the law enforcement agency has investigated and determined that there is no indication of abuse or neglect by a member of the child's household.

•76 (Continued)

•87 (Continued)

Authority Cited: Sections 10553 and 10554 of the Welfare and Institution Code.

Reference:

Sections 16501.1 and 16504 of the Welfare and Institutions Code.

**OFFICE OF ADMINISTRATIVE  
CERTIFICATION  
OF  
APPROVAL**

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

**Submitting Agency:** Department of Social Services

**OAL File No:** 88-0502-01

  
**LINDA STOCKDALE BREWER  
DIRECTOR**

5/27/88  
**Date**

**FILED**  
In this office of the Secretary of State  
of the State of California  
MAY 27 1988  
MAR 11 1988  
By [Signature]  
Deputy Secretary of State

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW  
**EMERGENCY**

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RDB#0488-17

**FILED**

In this office of the Secretary of State  
of the State of California

MAY 31 1988

At 4:31 o'clock P. M.

MARCH FONG EU, Secretary of State

By [Signature]  
Deputy Secretary of State

1988 MAY 20 PM 3:54

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING  
MAY 31 1988

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

5/16/88

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING  
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-077 and 63-704.18.

SECTIONS AMENDED: 63-102 c.(5); 63-103.21 1.(2); 63-201.4; 63-301.52, .531 and .541(b);

~~63-301.633 and .634; 63-503.212(a) and (c), .22, and 232(c)(4).~~

SECTIONS REPEALED:

63-301.633

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other \_\_\_\_\_

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.  
CODE SEC. 11346.8(c))

N/A

MAY 20 1988

N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☒ Effective on July 1, 1988 (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
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- Part 9. Effective Dates — check one of the following:
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### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. MCMAHON  
Director

Adopt Section 63-077 to read:

63-077      IMPLEMENTATION OF REGULATIONS FOR EXPEDITED  
SERVICE # 2

63-077

- .1 Effective July 1, 1988 the CWDs shall implement the revised and adopted provisions. The sections affected are as follows: 63-102(c)(5); 63-103.21(i)(2); 63-201.4; 63-301.52, .531, .541(b), .633, .634, .635; 63-503.212(a), .212(c), .22; 63-503.232(c)(4) and 63-704.18.

Authority Cited: Sections 18901, 18902, and 18904, Welfare and Institutions Code.

References: Sections 18905.1, 18911, 18912, 18913, and 18914, Welfare and Institutions Code.

Amend Section 63-102(c)(5) to read:

63-102 DEFINITIONS (Continued)

63-102

- c. (5) "Compliance with "CWD Time Limits" means action within the time frames specified unless the last day for taking action falls on a Sunday or other holiday, as specified in Government Code Sections 6700 and 6701, in which case the last day for taking action is on the next normal working day except for expedited service time frames as specified in 63-301.531. If the last day falls on a Saturday the CWD shall take action on or before that date.

Authority Cited: Sections 18901, 18902, and 18904, Welfare and Institutions Code.

Reference: Section 18914(b), Welfare and Institutions Code and 7 CFR 273.2(i)(3)(i) and (ii).



Amend Section 63-103.21i.(2) to read:

63-103 ADMINISTRATIVE AUTHORITIES (Continued)

63-103

.2 State Agency Delegations to County Agencies

.21 (Continued)

i. (Continued)

(2) Accumulate statistical data for the following ~~monthly~~ reports: (Continued)

(c) DFA 296X, Food Stamp Program  
Expedited Service Quarterly  
Statistical Report

Authority Cited: Sections 18901, 18902, and 18904, Welfare and Institutions Code.

Reference: Section 18913, Welfare and Institutions Code.

Amend Section 63-201.4 to read:

63-201 GENERAL TERMS AND CONDITIONS (Continued)

63-201

.4 Information Available to the Public or Applicant

- .41 The State Food Stamp Manual shall be maintained by the CWD in each local food stamp office for examination by members of the public on regular work days during regular office hours.
- .42 CWDs shall make available, upon request, a list of emergency food providers in the area served by each local food stamp office. In addition, this list may be used, where needed, to refer individuals to emergency food sites that may be able to provide assistance. The list shall be compiled and updated by CWDs based on information from the food providers.
- .43 Upon the request of food stamp applicants, CWDs shall make available nonpromotional information on local legal services and welfare rights organizations that contain their addresses and phone numbers.

Authority Cited: Sections 18901, 18902 and 18904, Welfare and Institutions Code.

Reference: Sections 18911(e) and (f), Welfare and Institutions Code.

Amend Sections 63-301.52, .531, and .541(b) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.5 Expedited Service (Continued)

.52 Identifying Households Needing Expedited Service

The CWD's application procedures shall be designed to identify households eligible for expedited service at the time the household files an application. A CWD employee or volunteer shall inform potential applicants orally of the right to expedited service for qualifying households, how to initiate the process, the availability of assistance in filling out the application, and shall be responsible for screening applications as they are filed. The CWD shall assist an applicant, upon request, in filling out forms and completing the application process. The screening shall consist of a review of the DFA 285-A1 if the applicant elected to complete the expedited service section. The CWD shall immediately forward the application for processing when it is determined that the applicant is entitled to expedited service. The CWD shall also advise individuals who inquire about the Food Stamp Program by telephone of the expedited service processing standards for qualifying households. (Continued)

.53 Processing Standards (Continued)

.531 Expedited Service Households

For households entitled to expedited service, the CWD shall make the ATP or coupons available to the recipient either by mail or for pickup at the household's request, no later than on the fifth third calendar day following the date the application was filed. For purposes of this section, a weekend (Saturday and Sunday) shall be considered one calendar day. However, if the third calendar day is a nonworking day when coupons cannot be issued, the CWD shall make coupons available on or before the working day immediately preceding the nonworking day. Whatever system a CWD uses to ensure meeting this delivery standard, shall be designed to allow a reasonable opportunity for redemption of ATPs no later than the fifth third calendar day following the day the application was filed.

(a) For example, if the application is filed on Thursday, coupons must be made available to the households on Monday. However, if Monday is a holiday, coupons must be made available on Friday or Saturday if coupons are issued on that day.

.54 Special procedures for Expediting Service

.541 (Continued)

(b) All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency, as specified in Section 63-300.515, income statement (including a statement that the household has no income), liquid resources, and all other factors required by Section 63-300.51 through collateral contacts or readily available documentary evidence. However, benefits shall not be delayed beyond the delivery standards prescribed in 63-301.53 solely because these eligibility factors have not been verified. Except as provided for in Sections 63-403.31 and 32, verification of these eligibility factors shall be postponed if unobtainable within the expedited processing standards.

Authority Cited: Sections 18901, 18902, and 18904, Welfare and Institutions Code.

Reference: Sections 18905.1, 18912(a) and (b), 18914(b), Welfare and Institutions Code and 7 CFR 273.2(i)(4)(i).

Repeal Section 63-301.633 and amend and renumber Sections 63-301.634 and .635 to .633 and .634, respectively.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.6 PA Households (Continued)

.63 Application Processing Standards and Procedures (Continued)

.633 For monthly reporting households, the CWD shall use its best estimate of the amount and date of receipt of the initial PA payment. If the PA payment will not be received until a subsequent month, the CWD shall vary the household's food stamp benefit level according to the estimated receipt of the payment and notify the household (DFA 377.1).

.6343 For migrant farmworker all households, the CWD shall anticipate the amount and date of receipt of the initial PA payment. If the PA payment will not be received until a subsequent month, the CWD shall vary the household's benefit level according to the anticipated receipt of the payment and notify the household (DFA 377.1).

- (a) If the amount or date of receipt of the initial PA payment cannot be reasonably anticipated with reasonable certainty at the time of the food stamp eligibility determination, the PA payment shall be handled as a change in circumstances. However, the CWD is not required to send a notice of adverse action if the receipt of the PA grant reduces, suspends, or terminates the household's food stamp benefits, provided the household is notified in advance that its benefits may be reduced, suspended, or terminated when the grant is received. Termination of the case shall be permitted if the household is not categorically eligible in accordance with Section 63-301.6.

See Handbook Section 63-503.212(a)(1)(4) for an example.

HANDBOOK

.6354 (Continued)

Authority Cited: Sections 18901, 18902, and 18904, Welfare and Institutions Code.

Reference: Section 18914(b), Welfare and Institutions Code; 7 CFR 273.2(j)(1)(iv); and 7 CFR 273.10(c)(1)(i).

Amend Sections 63-503.212(a) and (c), .22, and .232(c)(4) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.2 Determining Resources, Income and Deductions

.21 Prospective Budgeting in the Beginning Months for Households Who Shall be Subject to Retrospective Budgeting (Continued)

.212 Determining Income (Continued)

(a) Actual Income

For purposes of determining the household's eligibility and level of benefits during the beginning months, the CWD shall take into account the actual income already received by the household during the month of application and any anticipated income the CWD's and the household's best estimate are reasonably certain which will be received during the remaining beginning months. This estimate shall be based on the CWD's reasonable expectation and knowledge of the household's current, past or future income. Income shall not be counted if its receipt is uncertain. If the exact amount of anticipated income is uncertain only that portion which can be anticipated with reasonable certainty shall be counted as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average, as provided in Section 63-503.212(b).

(1) The following are examples of how to determine anticipated income:

(A) The anticipated receipt of an initial PA/GA payment is counted in determining eligibility only if the PA/GA payment has been approved and

authorized and will be issued within the month.

(B) The anticipated receipt of earned income, such as income from a new job, will only be counted if it can be determined with reasonable certainty that a specific amount of earning will be received within the month, e.g., the person is currently employed or will be employed during the month and the pay day(s) is within the month.

(C) The anticipated receipt of other income, such as unemployment insurance benefits, will only be counted if it can be verified that benefits will be received within the month, e.g., award letter indicates the payment amount and that it can be expected by or on a specified date and that date falls within the month.

(b) (Continued)

(c) Income Only in the Month Received

(1) Income estimated anticipated during the beginning months shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is expected anticipated but is received on a weekly or biweekly basis, the CWD shall use the exact figure amount whenever possible. If the exact figure amount is not available, the CWD shall use its best estimate the amount which is reasonably certain to be received in accordance with Section 63-503.212(a).



- (2) Wages held at the request of the employee shall be considered income to the household in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even if in violation of law, shall not be counted as income to the household, unless the household anticipates that it will ask for and receive in advance, or that it will receive income from wages that were previously held by the employer as a general practice and that were, therefore, not previously counted as income by the CWD. Advances on wages shall count as income in the month received based on the CWD's best estimate only if the CWD is reasonably certain of its receipt, in accordance with Section 63-503.212(a).

(3) (Continued)

.22 Transitioning Households from Prospective to Retrospective Budgeting

A household's benefit level shall be computed prospectively during the beginning months of the household's certification period by considering all factors of eligibility. The prospective determination of eligibility and benefit level shall be based on the CWD's best estimate of the income and other circumstances which will exist for that household during the beginning months as specified in Section 63-503.212(a).  
(Continued)

.23 Households Subject to Retrospective Budgeting After the Beginning Months (Continued)

.232 Retrospective Budgeting (Continued)

(c) (Continued)

- (4) After the beginning months, the CWD paid grant for the issuance month shall be anticipated with reasonable certainty, as defined in Section

63-503.242212(a)(1). The CWD shall ensure that any additional or corrective payments to the CWD paid grant received in and for the issuance month are counted prospectively. If the CWD had not anticipated the payment or did not have time to budget it prospectively the CWD must budget the payment retrospectively. The household shall be provided with a notice of any changes in its allotment as specified in Section 63-504.265. Refer to Section 63-501.111 for definition of resources and Section 63-502.24 for income exclusions.

Authority Cited: Sections 18901, 18902, and 18904, Welfare and Institutions Code.

Reference: Section 18914(b), Welfare and Institutions Code; and 7 CFR 273.10(c)(1)(i) and (c)(2)(i) and (ii).

Adopt Section 63-704.18 to read:

63-704 COUNTY WELFARE DEPARTMENT AND CONTRACTED ISSUANCE 63-704  
AGENTS REPORTING RESPONSIBILITIES

.1 Reporting Requirements (Continued)

- .18 The CWD is responsible for preparing the DFA 296X, Food Stamp Program Expedited Service Quarterly Statistical Report. The CWD shall submit the DFA 296X to SDSS on or before the 20th day of the month after the end of each calendar quarter.

Authority Cited: Sections 18901, 18902 and 18904, Welfare and Institutions Code.

Reference: Section 18913, Welfare and Institutions Code.

**OFFICE OF ADMINISTRATIVE LAW**  
**CERTIFICATION**  
**OF**  
**APPROVAL**

**FILED**  
In this office of the Secretary of State  
of the State of California

MAY 31 1988  
At 4:31 o'clock P.M.  
ARCH FONG EU, Secretary of State  
*Arthur B. Ball*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

**Submitting Agency:** Department of Social Services

**DAL File No:** 88-0520-03

*[Signature]*  
**LINDA STOCKDALE BREWER**  
**DIRECTOR**

5/31/88  
Date

RECEIVED FOR FILING

1988 APR 23 PM 3:08

CLERK OF  
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

MAY 3 1 1988

Office of Administrative Law

For use of Office of Adm Law

# FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)  
*L. L. S. Michel*

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4/26/88

RDB# 1187-54

**FILED**

In this office of the Secretary of State  
of the State of California

MAY 3 1 1988

At 4:31 o'clock P.M.

MARCH FONG EU, Secretary of State

By *John J. Bate*  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE  
Rosalie Clark, Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:  
Title 22  
SECTIONS ADOPTED:  
SECTIONS AMENDED: 80018(c), 80020(a) and (b), 87018(c), 87020(a), 87402(a), 87406(a),  
SECTIONS REPEALED: 101169(c), 101171(a) and (b), 102369(b), and 102371(a)  
b. The following sections listed in 3a contain modifications to the text originally made available to the public: not applicable
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☐ prior to the emergency adoption  
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
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☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
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☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER January 29, 1988  
b. DATE OF FINAL AGENCY ACTION APR 28 1988  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) not applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_  
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- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

## CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on December 30, 1987, and which became effective on January 1, 1988.

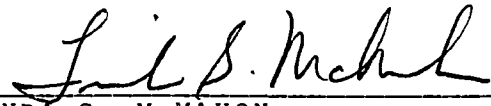
## Manual of Policies and Procedures, Title 22, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
80018(c)		
80020(a) and (b)		
87018(c)		
87020(a)		
87402(a)		
87406(a)		
101169(c)		
101171(a) and (b)		
102369(b)		
102371(a)		

These regulations were presented at public hearing on March 16, 1988. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
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No Modifications Made

  
\_\_\_\_\_  
LINDA S. McMAHON  
Director

4/26/88  
\_\_\_\_\_  
Date

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in dark ink, appearing to read "Linda S. McMahon". The signature is fluid and cursive, with the first name "Linda" and last name "McMahon" clearly distinguishable.

LINDA S. MCMAHON  
Director



(c) The application and supporting documents shall contain the following: (Continued)

(11) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the facility is located.

(12) (Continued)

(13) (Continued)

(14) (Continued)

(15) (Continued)

(16) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1520, 1522, 1528, 1531, and 1560, Health and Safety Code.

(a) All facilities shall secure a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.

(1) The request for fire clearance shall be made through and maintained by the licensing agency.

(b) The applicant shall notify the licensing agency if the facility plans to admit any of the following categories of clients so that an appropriate fire clearance, approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal can be obtained prior to the acceptance of such clients:

(1) Persons 65 years of age and over.

(2) Persons who are nonambulatory, as defined in Section 80001(a)(36).

(A) Persons who use supportive restraints pursuant to Section 80072(a)(8) are nonambulatory.

HANDBOOK

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1520, 1528, and 1531, Health and Safety Code.

(c) The application and supporting documents shall contain the following: (Continued)

- (7) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the facility is located.
- (8) (Continued)
- (9) (Continued)
- (10) (Continued)
- (11) (Continued)
- (12) (Continued)

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1501, 1520, and 1531, Health and Safety Code.

(a) Prior to accepting a disabled child, or deciding to continue to provide services to a child determined after placement to have a disability, the licensee shall notify the licensing agency so that a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal, can be obtained.

(1) The request for fire clearance shall be made through and maintained by the licensing agency.

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

(a) Any individual, firm, partnership, association, corporation or governmental entity desiring to obtain a license shall file with the licensing agency a verified application on forms furnished by the licensing agency. For renewal applications, the information submitted on the previous application shall be verified and updated where appropriate. The licensee shall cooperate with the licensing agency in providing verification and/or documentation as requested by the licensing agency. The application and supporting documents shall contain the following: (Continued)

(16) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the facility is located.

(17) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.5, 1569.15, 1569.151, 1569.16, 1569.17, 1569.175, 1569.18, 1569.19, 1569.20, 1569.21, 1569.22, 1569.23, 1569.24, 1569.30, 1569.312, 1569.45, 1569.60 and 1569.62, Health and Safety Code.

(a) All facilities shall maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal. Prior to accepting any of the following types of persons, the applicant or licensee shall notify the licensing agency and obtain an appropriate fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal, through the licensing agency:

- (1) Persons over 65 years of age.
- (2) Nonambulatory persons.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.30, and 1569.312, Health and Safety Code.

(c) The application and supporting documents shall contain the following: (Continued)

(11) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the facility is located.

(12) (Continued)

(13) (Continued)

(14) (Continued)

(15) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81(b), 1596.856, and 1596.05, Health and Safety Code.

(a) All facilities shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.

(1) The request for fire clearance shall be made through and maintained by the licensing agency.

(b) The applicant shall notify the licensing agency if the facility plans to admit children who are nonambulatory as defined in Section 101152(a)(28) so that an appropriate fire clearance, approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal, can be obtained prior to acceptance of such children.

(1) Persons who use supportive restraints pursuant to Section 101223(a)(7) are nonambulatory.

HANDBOOK

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95, and 1597.05, Health and Safety Code.



(b) The applicant shall provide all of the following information at the time of submission of the application: (Continued)

(5) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction where the Family Day Care Home is located.

(7) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1597.54 and 1597.57, Health and Safety Code.

- (3) A fire safety clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal shall be required for any Family Day Care Home which is licensed for seven or more, and when one or more nonambulatory children, as defined in Health and Safety Code Section 13131 and 13143, are in care.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81(b), 13131, and 13143, Health and Safety Code.

# OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

**FILED**

In this office of the Secretary of State  
of the State of California

MAY 31 1988

At 4:31 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

OAL File No: 88-0428-02

*[Signature]*  
*for* LINDA STOCKDALE BREWER  
DIRECTOR

5/31/88  
Date

RECEIVED FOR FILING

1988 APR 29 PM 2:33

OFFICE OF  
ADMINISTRATIVE LAW

CERT

OAL# 87-1218-02E

RDB# 1187-53

**FILED**

In this office of the Secretary of State  
of the State of California

ENDORSED  
APPROVED FOR FILING

MAY 3 1 1988

Office of Administrative Law

For use of Office of Adm Law

Department of Social Services

(AGENCY)

*L. S. Melnick*

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4/21/88

MAY 3 1 1988

At 4:31 o'clock P.M.

MARCH FONG EU, Secretary of State

By

*John J. Tate*  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE  
Rosalie Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:  
Title MPP SECTIONS ~~ADDED~~ - AMENDED:  
42-720.13, 800, 803, 806, 807, 809, 811; 69-201.4, 203.42, 206.1, .5  
SECTIONS AMENDED:  
SECTIONS REPEALED:
- b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☐ prior to the emergency adoption  
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?  
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?  
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)  
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)  
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER  
January 1, 1988  
b. DATE OF FINAL AGENCY ACTION  
April 21, 1988  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))  
Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s):  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.  
e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)

## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
  - If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

1) Amend Section 42-720.13 to read:

42-720 THE GAIN COUNTY PLAN

42-720

.1 Plan Approach

.11 (Continued)

.12 (Continued)

.13 The primary GAIN participants are AFDC applicants and recipients. The county may also provide services to refugees receiving or applying for Refugee Cash Assistance (RCA), Refugee Demonstration Project (RDP), and/or to General Assistance applicants and recipients, except that no funds appropriated for GAIN shall be used to serve these individuals.

.131 If a county elects to serve these individuals, the county shall maintain separate accounting records of expenditures for AFDC applicants and recipients and for RCA, RDP, and General Assistance applicants and recipients.

.132 (Continued)

.133 (Continued)

.134 (Continued)

.135 If a county elects to serve RDP program applicants and recipients, MPP Chapter 42-700 provisions shall apply to these individuals.

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(a) All AFDC program regulations apply to RDP recipients except:

(1) The \$30 and 1/3 earned income disregard (see MPP 44-111.23 and 69-207.1); and,

(2) the 100-hour work rule (see MPP 41-440.7 and 69-208.4j).

(b) RDP recipients must accept any appropriate job referral/offer regardless of the wage (see MPP Section 69-208.1).

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Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 11320.2, Welfare and Institutions  
Code.

2) Amend Section 42-800 to read:

CHAPTER 42-800 GAIN REQUIREMENTS FOR RCA PARTICIPANTS

42-800 GAIN REQUIREMENTS FOR RCA PARTICIPANTS: INTRODUCTIONS 42-800

- 1 RCA eligibles who are residing in areas in which the county plan provides for their participation in the GAIN program shall be required, as a condition of eligibility, to register and participate in GAIN.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2, Welfare and Institutions Code.



3) Amend Section 42-803 to read:

42-803 BASIC PARTICIPANT CONTRACT REQUIREMENTS FOR RCA 42-803  
GAIN PARTICIPANTS

- .1 Contract requirements in Sections 42-772.1, .2, .3 and .5 shall not apply to RCA GAIN participants.
- .2 Self-initiated plans are allowable; however, an educational plan which includes full-time attendance in an institution of higher education, as defined in Section 69-206.5, shall not be allowed except as defined in Sections 69-206.52 or .53.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2, Welfare and Institutions Code.

4) Amend Section 42-806 to read:

42-806 CAUSE DETERMINATIONS AND CONCILIATION FOR RCA 42-806  
GAIN PARTICIPANTS

- 1 Cause determination and conciliation requirements in Sections 42-781.1 through .8 shall apply. Section 42-781 .9 shall not apply to RCA GAIN participants.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2, Welfare and Institutions Code.

5) Amend Section 42-807 to read:

42-807      GOOD CAUSE CRITERIA FOR RCA GAIN PARTICIPANTS      42-807

.1 All good cause criteria specified in Section 69-209.4 shall apply. Good cause criteria specified in Section 42-782 and 42-783 shall also apply except for Section 42-783.1(m).

Authority Cited:      Sections 10553 and 10554, Welfare and Institutions Code.

Reference:      Section 11320.2, Welfare and Institutions Code.

6) Amend Section 42-809 to read:

42-809 CONCILIATION FOR RCA GAIN PARTICIPANTS

42-809

.1 For conciliation procedures, refer to Sections 42-781.4 through .8.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2, Welfare and Institutions Code.

7) Amend Section 42-811 to read:

42-811 FINANCIAL SANCTIONS FOR RCA GAIN PARTICIPANTS 42-811

.1 If the nonexempt, nondeferred RCA GAIN participant has refused or failed, without good cause, to meet or comply with the requirements of Sections 69-208.1 through 69-208.3 and .5 and Sections 42-781.11 through .13, and the conciliation efforts in Sections 42-781.4 through .8 have failed, the CWD shall discontinue benefits in accordance with Section 69-209.6.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13221, Welfare and Institutions Code.

8) Amend Section 69-201.4 to read:

69-201 GENERAL STATEMENT (Continued)

69-201

.4 All current AFDC program regulations apply unless specifically superseded by the RDP or RCA regulations contained herein.

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.41 All provisions of Chapter 42-700, except as otherwise specified, apply to RDP and RCA - GAIN participants. In addition RCA - GAIN participants must follow requirements contained in Chapter 42-800.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2, Welfare and Institutions Code.

9) Amend Section 69-203.42 to read:

69-203 DEFINITIONS (Continued)

69-203

•4 Cash Assistance

- 41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for AFDC or SSI/SSP and who have resided in the United States for 18 months or less from date of entry.

- 42 For purposes of determining eligibility for RDP assistance, RDP means cash assistance provided to time-eligible refugee families who would otherwise be eligible for federal AFDC and who meet the requirements of Sections 69-204.3 and 69-206.

RDP is provided under the authority of Public Law 98-473, Amendment 6965, (8 USC Section 1522(e) (7)) and required under Welfare and Institutions Code Section 13200. Certain refugee families applying for assistance and determined eligible for federal AFDC benefits must participate in RDP rather than AFDC. RDP provides cash assistance, based upon the the AFDC payment standard, and a strong support service element designed to accelerate refugee acculturation and the development of employment skills.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13250, Welfare and Institutions Code.

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10) Amend Section 69-206.1 to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT. 69-206  
(RDP) OR REFUGEE CASH ASSISTANCE (RCA)

.1 Eligibility Factors

.11 RDP

All eligibility requirements for applicants for the federal AFDC program, Family Group (FG) or Unemployed Parent (U), apply to RDP. Additional factors which must be considered in determining eligibility are: time eligibility (69-206.211); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); attendance in an institution of higher education (69-206.5); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.111 Refugees residing in areas in which SDSS-funded employment-directed educational/training programs are not available shall not be required to participate in RDP.

.112 RDP eligibles residing in areas in which the GAIN County Plan provides for their participation in the GAIN Program shall be required to participate.

.12 RCA

Requirements of categorical relatedness applicable to the AFDC program are waived for assistance under RCA (see Section 69-203.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.212); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); attendance in an institution of higher education (69-206.5); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.



- 121 RCA eligibles who reside in areas in which the county plan provides for their participation in the GAIN program, shall be required to participate in GAIN. See Chapter 42-800 provisions.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320.2 and 13250, Welfare and Institutions Code.

11) Amend Section 69-206.5 to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT 69-206  
(RDP) OR REFUGEE CASH ASSISTANCE (RCA) (Continued)

.5 Full-time student in an Institution of Higher Education

.51 (Continued)

.52 Refugees who are enrolled and participating in training programs offered at an institution of higher education on a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year, shall not be denied or discontinued from RCA.

.53 Refugees who are enrolled and participating in training programs offered at an institution of higher education on less than a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year in duration, shall not be denied or discontinued from RCA when attendance in classes in a college program offered at the institution results in full-time status.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2, Welfare and Institutions Code.

# OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

**FILED**  
In this office of the Secretary of State  
of the State of California

MAY 31 1988  
At 4:31 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

**Submitting Agency:** Department of Social Services

**DAL File No:** 88-0429-02

[Signature]  
for **LINDA STOCKDALE BREWER**  
**DIRECTOR**

5/31/88  
Date